

Before

His Honour JUDGE STROYAN Q.C.

Held at
The Crown Court,
The Law Courts,
Victoria Square,
MIDDLESBROUGH,
Cleveland.

On
31st March 1981

R E G I N A

-v-

John Alexander SYMONDS

Mr. G. Rivlin Q.C. appeared as Counsel on behalf of the Crown,
assisted by Mr. F. Radcliffe.

Mr. J. A. Symonds appeared IN PERSON

Transcript of the shorthand notes of MRS. C. ANDERSON, of
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P.C. Wilson
P.S. Kingaby
P.S. Lines
P.C. Dallimore
D.S. Stone
P.I. Wratten
Chief Constable Price
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Plus Discussions re evidence, statements, tapes etc.

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Regina -v- John Alexander SYMONDS (part heard)

A Detective Sergeant William David HANNIS

Cross-examined by Mr. Symonds (cont.)

JUDGE STROYAN: Yes.

B Mr. Symonds: Mr. Hannis, yesterday we went over the first part. That's going to the flat and searching the flat, and afterwards taking Mr. Perry to the Police Station. Now, at the Police Station did you question, at Camberwell Police Station did you question Mr. Perry? - A. I did not.

Q Did any Officers question Mr. Perry? - A. Not to my knowledge.

C Q. And you say you saw Mr. Perry being brought into the Police Station? - A. Yes, as far as I recall he came in just after I had arrived back.

Q. And when Mr. Perry was brought into the Police Station was he taken up into the C.I.D. room? - A. I don't recall.

D Q And after Mr. Perry had been placed into a cell is it right that all the Nuneaton Officers and myself and other Camberwell Officers went to a nearby public house for refreshment? - A. Yes, we all were there together at one time. I think we were joined by others. You and I went first.

Q You see, according to the statement made by Sergeant James to the Police, which I will read out to you ...

JUDGE STROYAN: No.

E Mr. Symonds: Perry was taken to

JUDGE STROYAN: No, we have had Sergeant James. He has given his evidence. You can ask this witness about what he said and what he did.

F Mr. Symonds: I suggest to you, Mr. Hannis, that after Perry was brought into the Police Station he was taken first of all to the C.I.D. office. - A. You may be correct. I can't recall.

Q. And he was questioned in the C.I.D. office? - A. Yes sir, I can't recall him going to the C.I.D. office.

G Q. And after being questioned in the C.I.D. office he was placed in a cell and then we all went to the pub next door for a drink? - A. No, as I remember it ...

Q. For refreshment. - A. As I remember it, you and I and D.C. Cook and perhaps I think another Camberwell Officer went to the public house and we were joined there by Sergeant James and D.C. Wilson.

H Q. Now, I suggest to you that your recollection of conversations

you described in Camberwell Police Station before we went to the public house is mistaken. - A. No.

A

Q. And is your recollection that I spoke to Sergeant James in the public house or in Camberwell Police Station? - A. You spoke to him in the public house and later in the Police Station.

Q Not first of all in the Police Station? - A. No.

B

Q Because that, I believe, is the recollection of Mr. Wilson, that the conversation was first of all in the Police Station.

JUDGE STROYAN: Mr. Symonds, these details are things that happened nearly twelve years ago. It really can't possibly help the jury. Nobody can possibly be expected to recollect that sort of question.

C

Mr. Symonds: There are statements to be referred to, Your Honour, which were made shortly after.

JUDGE STROYAN: It really couldn't matter less. Let's get on to something that does matter. The difference between a conversation in a public house or outside a public house or before or after we went there really can't make the slightest difference. Let's get on to something which does matter.

D

Mr. Symonds: Well, the fact that other Officers have different recollections to Mr. Hannis makes no difference, does it?

JUDGE STROYAN: Let's get on to something that matters.

Mr. Symonds: And other Officers have different recollections to what Mr. Hannis has just told the jury and I am putting it to him that he is mistaken.

E

JUDGE STROYAN: Well, you have put it to him.

Mr. Symonds: Because my recollection is different also.

JUDGE STROYAN: Very well.

F

Mr. Symonds: And my recollection in actual fact conforms to the recollection of other Nuneaton Police Officers.

JUDGE STROYAN: Well, that's something you can tell the jury if you give evidence.

Mr. Symonds: But I am not allowed to tell the jury that unless it's been brought out in evidence, is that right?

G

JUDGE STROYAN: But you have already put to this witness that his recollection is mistaken. He has said that it's not. He is talking about something which happened twelve years ago and he really can't take it any further,

Mr. Symonds: You see, the recollection of other Officers is that Perry was interrogated at Camberwell in a cell by Nuneaton Officers. Would you say that they're wrong?

H

/wrong

D.S.Hannis

JUDGE STROYAN: Now, that's quite an improper question.

A Mr Symonds: Do you recall D.C. Wilson and D.C. Cook interrogating Perry at Camberwell? - A. No, I do not.

Q. Were you under the impression that there were some fingerprints in evidence against Mr. Perry? - A. I was under that impression, yes.

B Q And in that case would you have told me that there were fingerprints in evidence against Mr. Perry? - A. Yes, I may well have done, yes.

Q And did you yourself tell Mr. Perry that there were fingerprints in evidence against him? - A. I did, at Nuneaton.

C Q. And do you recall Sergeant James asking me to see Mr. Perry, on his behalf? - A. I recall that it was agreed that you would see him in relation to the matter at Nuneaton, yes.

Q And was there a discussion about the clothes that had been found in Mr. Perry's flat at this time? - A. Yes, you had an interest in the clothes.

D Q And at this time were you aware that Mr. Perry was wanted at Peckham Police Station for the theft of clothes? - A. No, I was not aware that he was wanted there.

Q. When Mr. Perry's name was first mentioned to you did you make the normal checks to see if he was wanted anywhere? - A. No, I did not, no.

E Q. I wonder if you would look at Exhibit, the photograph of Mr. Perry.

Mr Rivlin: I think that's Exhibit 37, Your Honour.

JUDGE STROYAN: Yes.

Mr Symonds: Do you recognise that photograph? - A. Yes, Perry, yes.

F Q. Was that taken at your Police Station on the 25th of September? - A. Well I can't say whether it was. It may have been, but it's obviously a photograph of Perry around that time.

Q Is there any identification on the back? - A. No, other than the Exhibit number.

G Q Well, would it help you to remind you that on a previous occasion you have identified that photograph as the one that was taken on the 25th September 1969? - A. Well, if ...

Q. Page 85 of your deposition. - A. If I have, yes, it's obviously at the same time but I can't identify it at this time as the same one.

H

Q. Now, ...

A JUDGE STROYAN: When was the deposition taken?

Mr. Symonds: 10th and 11th March 1971..

JUDGE STROYAN: That isn't very surprising, After eleven years it's rather difficult to remember. Yes, very well. Yes, on we go.

B Mr. Symonds: And when you were at Camberwell police Station did you examine a dossier which was being kept on Mr. Perry? -

A No, I can't recall examining a dossier.

Q. Now, when you spoke to Mr. O Rourke, the informant, was that the first time you had had any contact with this man? -

A. This was on the Tuesday?

C Q. Yes. - A. Of that week. Yes, it was the first time I had ever spoken to him.

Q. And had there been an article published in the local paper that morning about the recovery of the cigarettes.

JUDGE STROYAN: No. No. No. We won't have that. Inadmissible.

D Mr. Symonds: Would Mr. O Rourke have had reason to know ...

JUDGE STROYAN: Mr Symonds,

Mr. Symonds: That the cigarettes had been recovered?

JUDGE STROYAN: No.

E Mr. Symonds: Did Mr. O Rourke ask you for money?

JUDGE STROYAN: No. I am not having any more hearsay evidence. You have had far too much already. The law in fact is quite clear, and that is that the names of informants are protected from disclosure.

F Mr. Symonds: Well, certain Q.C.'s, silks, have thought fit to discuss this name before in evidence, Your Honour. I am not disclosing anything new. It's written down.

JUDGE STROYAN: Well, we are not having any hearsay evidence now.

G Mr. Symonds: And when you mentioned fingerprints to Perry at Nuneaton did he say something to you? - A. Not. I think he said words to the effect that

Q. Hearsay, hearsay, hearsay. - A. I beg your pardon?

Q. Did he say something to you? - A. Yes, I think he said that words to the effect that there couldn't have been, or something like that.

H

/that

D.S.Hannis

A Q Did he say something else to you? - A. At that time, I think it may have been at this time that - no, I think he said there couldn't have been, or words to that effect, and that he knew there wasn't. I think this was at the time he said ...

JUDGE STROYAN: Knew there wasn't what? - A. There wasn't any fingerprints.

B Mr. Symonds: Did Mr Perry ever tell you he had been told to keep his mouth shut? - A Yes.

Q And was that just after you had mentioned to him that you had his fingerprints? - A. No. No, I think it was later.

C Q Did you ask Mr Perry why I had gone into his cell? Did you say, what was going on? Why did he come in? - A. No, I don't think so.

Q Were you there when a Nuneaton Officer asked Mr Perry what Symonds has said to him in the cell? - A. No.

D Q I am reading now from Mr Perry's evidence which has been given to this court. Mr. Perry said, having been asked what Symonds had said; I told him that he had told me not to say anything. Would that be right? - A. No.

Q Did Mr Perry name any Officer who had told him not to say anything? - A. No.

Q In fact did he say that at all, that he had been told not to say anything? - A. Yes, he did.

E Q Because, you see, Mr. Perry didn't make that allegation at all for two years, until after the event. After in fact you and your colleagues had given evidence to this effect...

JUDGE STROYAN: Mr. Symonds, you have got the answer to your question. We can't go into it any further.

F Mr. Symonds: I am just pointing out, Your Honour, that this allegation was first made two years after the event.

JUDGE STROYAN: You can point that out when you come to make your speech to the jury and not now.

Mr Symonds: Did it come to your knowledge that Mr Perry was offering Nuneaton Officers bribes when he was in custody there? - A. No..

G Q Did it ever come to your knowledge? - A. Yes.

Q At what stage? - A. When I was first interviewed about this matter.

H Q So this is the situation; that some months after this event, when you and other Nuneaton Officers were being interviewed, that was the first time that anything went on paper as it were about Perry being told to say nothing and offering Nuneaton Officers bribes? - A. No.

/No

D.S. Hannis

A

Q. When was the first time this went on paper? - A. As I recall, it was first put on paper when the allegations were first made in The Times newspaper.

Q. You know what I am referring to. I am talking about office procedures at your Police Station. - A. Yes, that is the time it was done at the Police Station.

B

Q. Pardon? - A. That is the time it was done at the Police Station.

Q. When you were being investigated by senior Officers from the Metropolitan Police? - A. No, when the allegation was made in The Times newspaper that is the time it was first put on paper at Nuneaton.

C

Q. Would you please now look at this report, that we did look for yesterday. I wonder if it's been found yet. I wanted to show it to Sergeant James.

D

Mr Rivlin: I think the defendant is referring to a Police report, Your Honour. I have not seen that report. I have not seen its contents. I do not propose to look at its contents. It's a confidential document, and so far as we are concerned all Police reports, as the defendant must know, are confidential documents and they are not to be used in evidence in court.

JUDGE STROYAN: Yes.

Mr. Rivlin: And unless Your Honour directs otherwise, my answer to any proposition that Police reports should be produced for the perusal of the defendant is no.

E

JUDGE STROYAN: Yes. Thank you.

Mr Rivlin: Not, may I say, because I know of anything sinister contained in the report or anything to hide. I don't know what appears in the report. But the defendant knows that on general principles Police reports are confidential documents that are not to be disclosed.

F

JUDGE STROYAN: Well, they are privilege.

Mr Rivlin: Well, of course, and they have no standing, I would submit.

JUDGE STROYAN: No evidential value .

G

Mr. Symonds: Well, the situation I would suggest, Your Honour, is that all these are Police reports. All these. And the same amount down here in a suitcase full. But this is one particular report which may be helpful to me and it is now privilege.

JUDGE STROYAN: No.

H

Mr. Rivlin: Your Honour, there is an answer to that. The defendant knows that we have disclosed to him not merely the

/the

D.S.Hannis

A names and addresses of dozens of people but also given him the witness statements of dozens of people whom, in ordinary circumstances we are under no obligation to disclose and we wouldn't, but we have done it in the special circumstances of this case. Those are statements/^{not} taken from people. He is now asking for what I understand to be a Police report on a situation. He knows, he must know, that such a document is confidential and would never be disclosed to a defendant, no matter what the case.

B Mr Symonds: I have half a dozen at least Police reports of a similar calibre to the one mentioned.

JUDGE STROYAN: I have no idea about that. I think that is highly unlikely, but we can get on with the case and you will certainly^{not} be supplied with the report you have just been talking about if it exists. Yes. On we go.

C Mr. Symonds: And I believe that when the Metropolitan Officers came up to investigate this case I believe you had just been promoted Sergeant two weeks before, is that right? - A. It was slightly before that. It was in the November I was promoted Sergeant.

Q. 12th November? - A. Correct.

D Q Now, when the Metropolitan Officers came up to investigate these allegations did you feel that you yourself and your colleagues were under suspicion? -A. Yes.

E Q Would this have been due to the very facts of the case that you would have been under suspicion? The facts that the allegation was that Mr. Perry had not been properly dealt with at Nuneaton Police Station. - A. Well, if I can answer that, My Lord, the reason I think of the suspicion at that time, but it's only an opinion.

JUDGE STROYAN: No, I think not.

Mr Symonds: I missed that, Your Honour.

F JUDGE STROYAN: This witness says that any answer he gave would only be his opinion and I think we would get on to very dangerous ground if we have people who are not expert witnesses venturing opinions on matters which they are not really qualified to speak. Ask him a question of fact if you wish. I have just said ..

G Mr. Symonds: Well, following on from that, when you read the newspaper report you felt it was necessary to put a report in to your senior Officers, did you not? - A. No, I did not.

Q. But a report was made to your senior Officers? - A. Yes, but not by me.

Q And in this report to your senior Officers was there any mention of Mr. Perry's allegation?

H JUDGE STROYAN: Did you make the report yourself? - A. I did not.

/not

D.S. Hannis

Q. No. Then he can't answer that.

A Mr. Symonds: Who made the report? - A. Detective Sergeant James.

Q. I think the court should see this report, Your Honour.

JUDGE STROYAN: No.

B Mr. Symonds: Because if ..

JUDGE STROYAN: No.

Mr. Symonds: .. the allegation made by the Nuneaton Officers before they were interviewed differs from the one they are making now I would say it's important for the jury to see it.

C JUDGE STROYAN: Mr. Symonds, I have said no and I meant no.

Mr. Symonds: You see, you said earlier on that to your knowledge no Nuneaton Officers interviewed Perry. Is that correct? - A. At Camberwell?

Q. Yes. - A. Yes.

D Q. You see, previously you said on oath "I know that D.C. Wilson saw Perry at Camberwell". Which would be right, do you think? - A. I don't recall anybody having interviewed him at Camberwell from ~~the~~ ~~our~~ station.

Q. Do you remember Mr. Wilson being brought into court and being identified by Mr. Perry?

JUDGE STROYAN: No, we are not having this.

E Mr. Symonds: As the Officer whom

JUDGE STROYAN: We are not having this. We have had this point before, and you must know quite well we are not having allegations made about other proceedings. It is quite unfair.

F Mr. Symonds: You see, what I suggest to you, Mr. Hannis, is that this business about this report when The Times was published and this rather late allegation that Perry had said to you and one or two other Officers that he had been told to keep his mouth shut by a Metropolitan Officer, I suggest this is quite incorrect. - A. No, it is correct.

G Q. And I suggest that what in fact happened was that after Perry had been released you or one of your colleagues went to see the informant O Rourke a day or so later, who told you that Mr. Perry had been to see him on release from the Police Station and Mr. Perry had boasted to O Rourke that he had been tipped off to keep his mouth shut and it had cost him. He had already paid a bribe? - A. No.

H Q. Which reflects directly on the Nuneaton Police Station, I would say. - A. No, the allegation was made by Perry at Nuneaton.

Q. But no one at that time saw fit to make any report about it? - A. No.

A Q. Anyway, on paper? - A. No.

Q. And I would also suggest that when Mr. Perry was taken to Nuneaton he was put in a cell and left there alone for practically a whole day, by previous agreement or arrangement? - A. That's not my recollection.

B Q. You say you went to see Mr. Perry several times in the cells at Nuneaton? - A. Yes.

Q. About what times did you go to visit him? - A. I don't know.

Q. Do you know a Sergeant Selwyn? - A. Yes, I did.

C Q. And a P.C. Good? - A. Yes.

Q. Well, they were on night duty that night. Do you recall? - A. No, I recall that they were on some time that time.

Q. They say no one visited him at night, Mr. Perry.

D JUDGE STROYAN: No, no, no, we are not having this and you know perfectly well it is wholly inadmissible and I am not having any of this evidence in. All you are doing is trying to prejudice the jury by bringing in allegations which you are certainly not allowed to do, and I am not going to have it.

Mr Symonds: Would you look at the charge sheet. Nuneaton charge sheet, please. Are there any visits at all recorded to Mr. Perry by C.I.D. Officers during the time that he was kept in custody for those twenty-four hours in Nuneaton? - A. No.

E Q. None at all? - A. None.

Q. And would the procedure have been, if correct procedures had been followed, that they would have been shown on the back of the charge sheet? - A. If the correct procedures had been followed they would have been.

F Q. And are correct procedures normally followed at your Police Station at Nuneaton? - A. They are now.

Q. And were they being followed at that time? - A. Obviously not.

Q. Because no visits are shown? - A. That's right.

G Q. And would Sergeant Wilkinson have been the Officer in charge of the Station at that time? - A. Well then again, he was on duty during this period but I can't recall what time he was on.

H Q. So are you saying that Sergeant Wilkinson, if he be the Officer who was on duty at that time, neglected his duties on that day? - A. Well, he was on part of the time. There were different Officers at different times.

/times

D.S.Hannis

Q. Well, I must put it to you, Mr Hannis, that in fact Perry was not visited. - A. He was visited.

Q. That day. - A. He was visited several times.

Q. And that you followed the procedure that he would be told that his fingerprints had been found, advised to plead guilty and to make a statement of admission and he was then locked up for a day, practically. - A. No.

Q. He was then taken out and he had his fingerprints and photograph taken, as if normal charging procedures were being adopted? - A. No.

Q. And at that stage he offered bribes to Nuneaton Officers? - A. Not to my knowledge.

Q. Now, if it had been to your knowledge that Mr. Perry had offered bribes to your colleagues would you have considered that a matter for report? - A. It's only an opinion, Your Honour, because I wasn't aware of it at the time.

Q. But if it happened today or tomorrow what would you do about it, if a criminal came into your Police Station and was offering bribes to your Officers and they reported it to you?

JUDGE STROYAN: I think, in the light of the present situation, that is an unwise question.

Mr. Symonds: Why? Why unwise, Your Honour?

JUDGE STROYAN: Yes?

Mr. Symonds: And if nothing was done and no action was taken and Mr. Perry was released without being charged sometimes after he was known to be offering bribes and then he goes along to his friend who, unknowing that he is an informant, and boasts that he had got out but it had cost him, would you consider that a matter for suspicion?

JUDGE STROYAN: That's an entirely hypothetical question. This witness has said that he did not at the time know that Perry had offered bribes to any Nuneaton Officer.

Mr. Symonds: Did you ever hear that Mr. Perry had said to a man called O Rourke that he had been tipped off to say nothing?

JUDGE STROYAN: No, no, no. You know that's an improper question.

Mr. Symonds: I am only reading from the transcripts of ...

JUDGE STROYAN: That is an improper

Mr. Symonds: ... of the committal where I was represented by Counsel.

JUDGE STROYAN: That is an improper

Mr. Symonds: Your Honour, I am just apeing their questions and following them.

/them

D.S. Hannis

JUDGE STROYAN: That is an improper question.

A Mr Symonds: Just reading out the questions that were put by a Q.C.

JUDGE STROYAN: That is an improper question and I disallow it.

B Mr Symonds: Well, would Your Honour look at page 88 of Mr Hannis's deposition and perhaps you can advise me on some other way in which I could put the question, because from that it is quite obvious that the question was put and an answer was given, and all I am doing is to seek to establish the same answer.

JUDGE STROYAN: These are proceedings before a Magistrate?

C Mr. Symonds: Yes, page 88, Your Honour, when I was represented by Counsel. And all I am doing, I am just running through the

JUDGE STROYAN: Well, you are not entitled to ask questions about what other people did on different occasions. Whether it is in the cross-examination before the Magistrate or not makes no difference.

D Mr Symonds: Did you ever receive information that Perry had seen Mr Q Rourke some time after leaving Nuneaton Police Station?

JUDGE STROYAN: That is a question based on hearsay. What the jury are investigating is whether you, Mr Symonds, on those three dates in 1969 received three corrupt gifts. That is what the jury are investigating.

E Mr. Symonds: There is more to it than that, Your Honour. There is the charge itself. And the charge itself is that

JUDGE STROYAN: I am fully aware of what the charge says. Now let's get on.

Mr. Symonds: Well, in that case I give up. No more questions.

F JUDGE STROYAN: Very well.

Mr. Rivlin: No re-examination, Your Honour. Thank you. And I tender to the defendant John Caldwell Wilson, who was Detective Constable Wilson, at page 89 of the depositions, and if he wishes Officer Wilson to give evidence then we will call him.

G JUDGE STROYAN: Yes. Do you want Detective Constable Wilson to give evidence?

MR. Symonds: If I am allowed to ask him a couple of questions, Your Honour, I would like him to give evidence.

H JUDGE STROYAN: Certainly you will be allowed, so long as they are relevant and admissible questions.

Mr Rivlin: John Caldwell Wilson please.

John Caldwell WILSON, (Sworn)

Examined in Chief by Mr Rivlin

Q. What is your name please? - A. John Caldwell Wilson, sir.

Q. And are you still in the Police Force? - A. Yes, sir, serving at Nuneaton.

Q. What is your rank? - A. P.C. Police Constable.

Q. And is it right that you were involved in enquiries into a burglary at the Nuneaton Co-operative Society in September of 1969? - A. That's correct, sir.

Q. Now, would you please wait there.

Cross-examined by Mr Symonds

Q. Mr Wilson, on the 24th September were you present when Mr. Perry was arrested? - A. That's correct, yes.

Q. Had you been keeping observation in his flat? - A. Yes, that's correct.

Q. And during the time you were keeping observation in his flat, did you search the flat? - A. That's correct.

Q. Together with other Officers? - A. That's correct.

Q. And when you searched the flat did you notice a large quantity of clothing? - A. I noticed clothing, yes. There was - I don't know about a large quantity, there was certainly new trousers in coat hangers and shirt boxes. Looked in new condition.

Q. Did the shirts, many shirts appear to have been taken from a brand new box, worn once or twice and then thrown in a corner? - A. Yes, that would be fair comment, yes.

Q. And did you notice that Sergeant Harley and myself appeared to take some interest in this clothing? - A. That's correct. I remember you in particular mentioning the trousers and the coat hangers to the effect that you wondered where they had come from, yes.

Q. And I made notes about certain items of clothing and the markings on boxes and things? - A. Well, that's possible. I don't remember that but it's certainly possible. I remember you mentioning them.

Q. And waiting in the flat with you was a Camberwell Officer, Detective Constable Hill, do you recall? - A. There were two Camberwell Officers, Mr. James and myself in the flat.

Q. And after Mr. Perry was arrested, was he taken to Camberwell Police Station in his own car? - A. That's correct, with Mr James driving it, as I remember.

/remember

D.C. Wilson

Q. And was Mr. Perry sitting in the back of the car, together with an ~~other~~ Camberwell Officer? - A Yes.

Q. D.C. Hill? - A. That's correct.

Q. And on arrival at Camberwell Police Station did you there meet your other two colleagues from Nuneaton? - A Yes, yes.

Q. And was Mr. Perry then taken up to the C.I.D. office to be questioned? - A. Probably. I can't remember that, but probably.

Q Did you question him yourself? - A. No.

Q In the C.I.D. office? - A No.

Q. And after being questioned in the C.I.D. office was Mr Perry put in a cell? - A. I remember him being put in a cell, yes.

JUDGE STROYAN: Do be careful, Mr. Symonds. The witness has not said that he was questioned in the C.I.D. office. He said he doesn't remember. You were asking the question in such a way to suggest that you had already got an answer which you didn't get.

Mr. Symonds: I said was he questioned in the C.I.D. office.

JUDGE STROYAN: Yes. The witness said he didn't recall.

Mr Rivlin: The answer was "I cannot remember that, but probably".

JUDGE STROYAN: Yes.

Mr Rivlin: And that's all that he said.

JUDGE STROYAN: Yes.

Mr Symonds: About questioning in the C.I.D. office, Your Honour. I haven't come on to the bit about questioning in the cell yet. I am just going to come on to that now.

JUDGE STROYAN: Yes.

Mr. Symonds: And was Mr Perry later put into a cell at Camberwell? - A. I remember him in a cell, yes.

Q. And when Mr. Perry was in the cell did you go to question him with another Officer? - A. No.

Q. Did you go to the cell at all? - A. Correct, I did, yes.

Q. And were you with D.C. Cook? - A. Yes, he was walking behind me.

Q. And did you ever say to Mr Perry that you had his fingerprints? - A. Not that I recall, no.

Q. Your Honour, if I could just look at a - and read through something. So your recollection is that you did not question

or take part in any questioning of Mr Perry at Camberwell at all? - A. That's correct, yes.

A

Q. And then did you then take Mr. Perry back to Nuneaton? - A. Not in my car, no.

Q. And after Mr Perry was taken back to Nuneaton did you then question him in a cell there? - A. I was certainly present when he was questioned, yes.

B

Q. And at what time of the day would that have been? Would that have been the end of the day when he was questioned when you were present? - A. It would be the following day.

Q. The following day? - A. As I remember, it was very late when we got back to Nuneaton and I went off duty then after placing him in the cells, so it would be the following day.

C

Q. Do you recall any arrangement being made whereby Perry was to be advised as to a certain course of action and then put in the cell and left there for a considerable period of time to think on it? - A. No, no.

Q. At some stage the following day did you go to Mr. Perry's cell and take him out to have his fingerprints and photograph taken? - A. Apparently, yes. I don't actually recall this, but I believe I did.

D

Q. Did you in fact take his photograph? - A. No, I took his fingerprints.

Q. Now, would this be normal procedure when a person is about to be charged or has been charged, to take his fingerprints? - A. Yes.

E

Q. If you had a person in custody and you were about to release him would you take his fingerprints? - A. Certainly, yes.

JUDGE STROYAN: Just a moment. Yes.

F

Mr Symonds: And when you were taking Mr Perry's fingerprints, was it, did he offer you a bribe? - A. At no time did he offer me a bribe, no.

Q. Were you present with another Officer when Mr. Perry offered a bribe? - A. I never heard any bribe being offered. I was present with another Officer, Yes, who took the photographs, but at no time did I hear a bribe being made.

G

Q. And if you had been offered a bribe or had heard of a bribe being offered what would have been your action? - A. Senior Officers. I would have told my senior Officers about it.

Q. Did it ever later come to your knowledge that Mr. Perry had been offering bribes in Nuneaton Police Station? - A. I had heard that he had offered one, yes, to the D.C. who had been with me, i e. Mr. Clark, sir.

H

/sir

D.C. Wilson

A Q. So you heard later that Mr. Perry had offered a bribe to the D.C. who was with you when you took his fingerprints? -
A. I heard, that, yes.

JUDGE STROYAN: Well,

Mr. Symonds: But you did not hear this yourself? - A. No.

JUDGE STROYAN: Yes.

B Mr. Symonds: Now, was the situation at that time that you could only keep Mr. Perry for twenty-four hours? - A. Correct.

Q. Did you have any reason to desire to keep him longer? -

A. Not me, no.

C Q. For instance, were not other people supposed to have been involved with Mr. Perry? - A. There was, yes.

Q. One of whom had been arrested and escaped? - A. Correct.

Q. And others that you had not yet found? - A. Correct, yes.

D Q. And so, when Metropolitan Officers came to Nuneaton Police Station to investigate the allegation which had been made in the newspaper, were you interviewed in connection with .. - A. Yes.

Q. .. the events. And were you asked ...

JUDGE STROYAN: No.

Mr. Symonds: No more questions, Your Honour.

E Mr. Rivlin: Yes, thank you. Thank you very much. Your Honour, with your leave we are now going to read the statements of three witnesses to the court.

JUDGE STROYAN: Yes.

F Mr. Radcliffe: Your Honour, the first one is of Jeffrey Kingaby, page 97 in the bundle of depositions.

JUDGE STROYAN: Just a moment please.

MR. Rivlin: Your Honour, might the Nuneaton Officers now be released?

JUDGE STROYAN: Yes.

G Mr. Rivlin: Thank you.

JUDGE STROYAN: Yes, Mr. Radcliffe.

H Mr. Radcliffe: Members of the Jury, this witness, Jeffrey Frederick Kingaby, Station Police Sergeant, attached to Division MM says that "On the 29th September 1969 I was late turn duty Officer at Peckham. At 8.7 p.m. Michael Roy Perry, who was suspected of being responsible for the theft of a motor

van and contents, was placed on an identification parade where he was picked out by a witness named Rosiros Steavrou. Subsequently Perry was charged with the offence."

Mr. Radcliffe: The next statement is that of William Gerald Brian Lines, a Police Constable at Tower Bridge Police Station. And he says "Since June 1966 I have been employed as a Gaoler at Tower Bridge Magistrates Court. Michael Roy Perry, aged twenty-two years, of 40 Nunhead Lane, S.E.15. appeared at the Court on 30th September and 13th October 1969. On the 13th October 1969 Perry was committed to Inner London Quarter Sessions on bail."

Mr. Radcliffe: And then the final statement is that of Albert Dallimore, who is a Police Constable at Tower Bridge Police Station. And he says "I have been employed as a gaoler at Tower Bridge Magistrates Court since June 1967. On 30th September 1969, Michael Perry appeared before the court charged with offences as theft, taking motor vehicle without consent, two charges of no insurance, and failing to notify Council."

Mr. Rivlin: Detective Sergeant Stone, please.

Mr. Symonds: I wonder if you would grant a short break now, Your Honour. I have received a note about five or ten minutes ago that this Sergeant was going to be called.

Mr. Rivlin: Well Your Honour, the position is - may I assist? David Stone is the Exhibits Officer in this case.

JUDGE STROYAN: Yes.

Mr. Rivlin: We didn't actually know whether he was going to be required and indeed I thought that he was not going to be required, but I am told that he is, and in those circumstances I propose to call him now because this seemed to be the convenient time. The defendant is absolutely right when he says that he has only been told very recently that we are going to call this Officer next. Can I tell you where we stand now, Your Honour, and perhaps the jury might like to know what the score is in terms of witnesses. The situation is this, that we have got this Officer to call, the Exhibits Officer; Detective Chief Inspector Price, who deals with the interview with the defendant.

JUDGE STROYAN: Yes.

Mr. Rivlin: And then one more Officer to read, who dealt with the time when the defendant gave himself up to the Police last year.

JUDGE STROYAN: Yes.

Mr. Rivlin: And then the rest of the evidence concerns the transcripts and the tapes.

JUDGE STROYAN: Yes.

Mr. Rivlin: And that may assist Your Honour and the jury to know that we hope that our evidence will be concluded by tomorrow or Thursday at the latest.

/latest

D.S. Stone

JUDGE STROYAN: Yes. Well, the issues are now much clearer.

A Mr Rivlin: Your Honour, yes.

JUDGE STROYAN: So I hope we shall not have to go on spanning the same ground. Yes. What's the Exhibits Officer going to say?

Mr. Rivlin: Well, Your Honour he is going to say ...

B JUDGE STROYAN: He has been sitting in court here all day.

Mr Rivlin: Well, he has been sitting in court not merely all day but all case, Your Honour.

JUDGE STROYAN: Yes.

C Mr. Rivlin: He is going to say that the Exhibits are in his custody.

JUDGE STROYAN: Oh.

Mr Rivlin: But he is required.

D JUDGE STROYAN: Very well. I will listen I am sure with great anticipation. Yes, very well, we will break off for five minutes.

(short adjournment)

Mr Rivlin: Detective Sergeant Stone, David Stone please. This is additional evidence, Your Honour, page 11, volume 3.

Detective Sergeant David STONE, (Sworn)

E Examined in chief by Mr Rivlin

Q. What is your name? - A. David Stone, Detective Sergeant, attached to the Complaints Investigation Branch, New Scotland Yard, Your Honour.

Q. On Thursday, the 5th

F JUDGE STROYAN: Just a moment please.

Mr. Rivlin: I am so sorry, Your Honour. Your Honour, I can give you a spare copy of his evidence.

JUDGE STROYAN: I have got one here, if I can lay my hands on it.

G Mr Rivlin: It is additional evidence. I can give you the date of it. 31st October. Your Honour, I am handing a bundle up to you.

JUDGE STROYAN: Thank you. Yes.

H Mr Rivlin: Well, I am not permitted to lead you about anything at all, Detective Sergeant Stone. Is it right that you became involved in this case some time last year? - A. I did, sir.

/sir

D.S. Stone

A Q. On what date please? - A. I became involved initially on the 6th May 1980 when the defendant gave himself up at the Old Bailey.

Q. Were you present there? - A. I wasn't present then, sir.

Q. But that's the time that you first became involved? - A. That's correct, sir.

B Q. Did a time come when you were appointed Exhibits Officer in the case? - A. Yes, sir.

Q When was that please? - A. On the 5th June 1980 when I went to the Prisoners Property office at Cricklewood.

Q. Were you accompanied by any other Officer or officers on that day? - A. Yes, sir, I went there with Detective Chief Inspector Walker and Detective Chief Inspector Vernol.

C Q. Now, we have seen Detective Chief Inspector Vernol. He was the previous Exhibits Officer, wasn't he? - A. That's correct, sir.

Q. As regards Detective Chief Inspector Walker, he has been sitting behind in this court throughout the whole of the trial, has he not? - A. That's correct.

D Q. And you know that he was never involved in the enquiries as such and is not a witness in this case? - A. That's correct, sir.

Q. He is just here as the senior supervising Officer in this case? - A. That's correct.

E Q. Now, when you went to the Property Stores did you examine anything? - A. I examined the exhibits, particularly a box which had in it the tapes relating to The Times trial.

Q. Well now, the box has been exhibited. Exhibit number 45 I think. - A. That's correct, sir.

F Q. And as regards the tapes, they also have been exhibited, have they not? - A. They have, sir.

Q. And was the box locked when you arrived on the scene? - A. Yes, sir.

Q. Who opened it? - A. I opened it, sir.

G Q. And when you looked inside, did everything appear to be in good order or not? - A. As far as I could see, sir. I have no idea what the condition of them was when they first went in.

Q. Yes. Did you take possession of this locked wooden box at some stage? - A. Yes, sir.

Q. When was that? - A. It was on the 25th July 1980.

Q. And what happened to it after you had taken possession of it? - A. I took it to the Metropolitan Police tape laboratory, which is situated at Denmark Hill, in South London.

Q. And did you hand it over to somebody? - A. I handed it over to a Technical Officer, Clive Penna.

Q. Now, there are two Technical Officers concerned in this case, as you know? - A. Yes, sir.

Q. One is Mr Penna, who is the gentleman nearest to you? - A. Yes, sir, and the other is Mr. Eley.

Q. And the other is Mr. Eley, who is sitting behind him? - A.. That's correct, sir. They were together at the time.

Q. And so far as they are concerned, is this the position, that they are civilians, but they are employed by the Police? - A. That's correct, sir.

Q. And when did you next take possession of the tapes? - A. At the beginning of this trial, sir.

Q. They were handed over to you by those gentlemen, were they? - A. That's correct, sir.

Q. And is it right, Detective Sergeant Stone, that in your charge at the moment is a vast amount of property which is relevant to this case? - A. Yes, sir.

Q. Not merely tapes, but statements and reports, all sorts of things? - A. Yes, there are a vast number.

Q. When I say relevant to this case, is it right that you have a lot of stuff in your possession which in fact is not relevant to this case? - A. That's correct, sir.

Q. But to other matters? - A. Yes.

Q. Yes. Thank you.

Cross-examined by Mr. Symonds

Q., Mr Stone, who is the Officer in this case? - A. The Officer in the case?

Q. Yes. - A. Detective Chief Inspector Walker.

Q, And will he be giving evidence, do you know? - A. I have no idea, sir.

Q. And do you know who the Officer in the case was preceding Detective Chief Inspector Walker? - A. I think it was Detective Superintendent Little.

Q. And were you involved in this case with Detective Superintendent Little in any way? - A. No.

Q. And is it to your knowledge that Detective Chief Inspector Walker took over this case more or less the same day as you came on to it? - The 6th May? - A. Yes, I think a watching

/watching

D.S. Stone

brief would have been kept by him when it was handed to him by whoever the previous investigating Officer was, if that was Mr. Little.

Q. And is it to your knowledge that I returned, that I surrendered myself to the Old Bailey on the 6th May? - A. So I understand, yes.

Q. And when did it first come to your knowledge in fact that I had done this? - A. I am fairly certain it was that day.

Q. That day. And is it to your knowledge that I had been in contact with senior Metropolitan Police Officers before the 6th May? - A. No.

Q. And Mr. Stone, were you present on any occasion when I made applications for bail shortly after returning to this country and surrendering myself? - A. Well I think I was present at an application in chambers before Judge Buzzard, I believe.

Q. And on that occasion did you hear the Police objection to bail?

JUDGE STROYAN: No, now we are back to ...

Mr Symonds: Well, the Officer in the case is not giving evidence, Your Honour. There is no one else I can ask.

JUDGE STROYAN: Whether or not bail was granted is quite irrelevant to the present situation.

MR. Symonds: No more questions.

Mr Rivlin: Yes, thank you very much. Your Honour, the defendant knows perfectly well that Detective Chief Inspector Walker is not a witness in the case.

JUDGE STROYAN: Yes.

Mr. Rivlin: May I say this; that if he believes, or his solicitor believes that he can give some relevant evidence to this case I shall willingly tender him for cross-examination.

JUDGE STROYAN: Yes. Thank you.

Mr. Rivlin: And I make that offer now.
me a moment please, Your Honour?

Would you allow

JUDGE STROYAN: Yes.

Mr. Rivlin: Well, Your Honour, I think the position is this; that the defendant would like to think about the matter for a short while, and so I shall proceed to read to Your Honour and the jury the evidence of Police Inspector Wratten, who is additional evidence at page one.

JUDGE STROYAN: Just a moment.

Mr. Rivlin: And then call Chief Inspector Price.

Mr. Rivlin: William Wratten, Members of the Jury, a Police Inspector,

JUDGE STROYAN: Just a moment please. Is he on the ...

Mr Rivlin: Yes, he should be right at the beginning of that same bundle.

JUDGE STROYAN: Yes, I have got it.

Mr Rivlin: A Police Inspector, attached to the Central Criminal Court, which is the Old Bailey in London, says: "At 3.50 p.m. On Tuesday, 6th May, 1980, at the Central Criminal Court, Old Bailey, E.C.1. as a result of information received I attended a third floor office occupied by staff of the Director of Public Prosecutions. In this office I saw a man who identified himself to me as John Alexander Symonds, a former Detective Sergeant with the Metropolitan Police, born 13th July 1935 and currently residing at 74 Tilecroft Road, London, S.W.16. He was accompanied by a solicitor, Mr. Bernberg, of Bernberg and Company, 103 Borough High Street, S.E.1. I cautioned Symonds and told him I was arresting him on warrant as a result of his failure to appear at the Central Criminal Court, in 1972, on a charge of corruption. He made no reply. Symonds, together with his solicitor, accompanied me to the second floor of City Police Office, within the Court, where he was temporarily detained. At ten minutes past four the same day, Symonds appeared in Court nine before Judge Clark, where he was remanded in custody to Brixton Prison."

Mr. Rivlin: Detective Chief Inspector Price, please. Your Honour, I think he has gone up in the world since then. I think he is now a Chief Constable or Assistant. At all events, he is page 298, and Your Honour I direct your attention to page 324.

JUDGE STROYAN: Pardon?

Mr. Rivlin: 324.

Mr Symonds: Your Honour, I would like to bring up a matter before his statement is read. Perhaps I could bring it up in the absence of the jury.

JUDGE STROYAN: Yes. Members of the jury, perhaps you would like to leave us for the moment.

(The Jury leave the Court)

JUDGE STROYAN: Page 308 you want me to look at?

Mr Rivlin: Page 324. 324.

Mr Symonds: Your Honour, about five minutes ago I have been handed some further documents which the Prosecution say they now want to include in Mr Price's evidence. Now, these statements, these statements of questions and answers but they are not within the transcripts, Your Honour, and this is the first time they have been brought to my notice just a few minutes ago. I don't know if Your Honour has a copy of these.

/these

Discussion

Mr. Rivlin: Your Honour, you don't have a copy of this. Can I deal with it please?

JUDGE STROYAN: Yes.

Mr Rivlin: The situation is this, that the defendant quite correctly put it to Chief Superintendent Moody that there was no record of ...

JUDGE STROYAN: I think the witness should withdraw from the court while this is being discussed.

Mr Rivlin: So do I , Your Honour. He was asked to leave.

(witness leaves)

Mr. Rivlin: Your Honour, the position is this, that you will recall that Detective Chief Superintendent Moody, as he was at one time, was asked whether he had any record of an interview relating to the activities of the defendant on the 21st November.

JUDGE STROYAN: Yes.

Mr. Rivlin: And he said no. And indeed that was my understanding until this morning, and a very short time ago when it was discovered that there is a record of an interview with the defendant. It is in the same form, questionnaire, in which the answers are recorded I believe contemporaneously, when he was asked about the 21st November, and I think with one exception all of his answers were either to say "no reply" or - oh I see, yes - were to say "no reply". Some of the questions were not asked, and of course those that were not asked I shall not lead the witness through.

JUDGE STROYAN: No.

Mr. Rivlin: The only question that was answered in any detail was a question about the content of the interview on the 24th when there was a reference made to a firm within a firm. Your Honour, might I hand to you the relevant pages, and Your Honour if you would look at page 79.

JUDGE STROYAN: Yes.

Mr. Rivlin: What I would like to do, Your Honour, is this; to deal with the matter in this way. To ask the witness whether the defendant was asked, "I now propose to ask you questions relating to information gleaned from Times recordings supplied by The Times" and then to deal with such questions as were put as were asked and in respect of which there was either an answer or no reply. And Your Honour, may I say that I would be the first to say that this doesn't really take us very far because the only relevant answer upon which some reliance could be made is that on page 92, the top of the page, "Did you tell Perry that you were part of a firm within a firm and in London you could make contact with other Officers who could assist him if he wanted anything?" "No reply". I would like to amend that to an answer of no, and I would like to amplify that to certainly not in this context." All the rest, Your Honour, are

no replies. And then the other document which you have, which begins at page 95, a continuation document as I understand it,

A JUDGE STROYAN: Yes.

B Mr. Rivlin: .. simply relates to the meeting in the Grove on the 21st when there were a number of no replies, not even a denial. I take no point against the defendant on this, but I am just explaining to you how far this goes. And the situation is this, Your Honour, that so far as I am concerned in relation to that I would be quite happy, if the defendant wished it, that I should simply ask the Chief Constable "Is it right that the defendant was asked about the meeting on the 21st November, but in relation to each question did he say 'no reply'?" and leave it at that.

JUDGE STROYAN: Yes.

C Mr. Rivlin: But at least the court would know that he was asked about the 21st, and if he was asked about the 21st well then obviously no point should be made that he wasn't.

JUDGE STROYAN: Yes.

Mr. Rivlin: And that's the only reason why I would seek to lead it.

D JUDGE STROYAN: Well it's certainly pointless going through a lot of questions to which there is no reply.

Mr. Rivlin: Yes, I agree, although in earlier interviews, Your Honour, there are no replies side by side with denials.

JUDGE STROYAN: Yes.

E Mr. Rivlin: In which case that is something which I must lead.

JUDGE STROYAN: Yes. Well, if the defendant wants it. It's not going to help a lot.

Mr. Rivlin: It's not going to help a lot, Your Honour, but I think that it is something that I must lead, although it won't take a great deal of time to do it.

F JUDGE STROYAN: Yes.

Mr. Rivlin: And may I say, Your Honour, that we have reached agreement as to admissibility in relation to the earlier interviews, because, as Your Honour will appreciate, the defendant was asked about a number of matters which are not directly relevant to this case.

G JUDGE STROYAN: Yes. Well, they of course we can't have.

Mr. Rivlin: That is the situation, Your Honour. I am not concerned to lay before the jury evidence of questions to which there was no reply. What concerns me is that the jury should neither be wittingly nor unwittingly misled about the content of the interview at large.

H

/large

Discussion

JUDGE STROYAN: Well, this was an interview conducted by ..

Mr Rivlin: By Moody, but Price as I understand it Your Honour was making a contemporaneous note of the answers.

JUDGE STROYAN: Yes, that's what I thought, yes. He was writing it down at the time.

Mr. Rivlin: Writing it down at the time, yes.

JUDGE STROYAN: Yes.

Mr. Rivlin: And I don't claim that there is any great evidential value in all of this.

JUDGE STROYAN: No.

Mr Rivlin: It's just that the record obviously has to be set straight.

JUDGE STROYAN: Yes. Well, that seems a convenient way of dealing with it, Mr Symonds, isn't it?

Mr Symonds: I object to this, Your Honour.

JUDGE STROYAN: Well, do you want all....

Mr Symonds: This is very late. It's taken me by surprise. It is a matter to do with questions asked of me by Mr. Moody, and the one particular question referred to I think I should have^{had} the opportunity to ask Mr Moody about that.

JUDGE STROYAN: Well, which question do you mean?

Mr Symonds: if it's going to be brought up.

JUDGE STROYAN: Which question do you mean?

Mr Symonds: The one where there is some sort of substantial answer.

JUDGE STROYAN: The answer is this. Page 92 is it?

Mr. Rivlin: Yes.

JUDGE STROYAN: "No reply. I would like to amend that to an answer of no, and I would like to amplify that to certainly not in this context." Well, there you are denying that that was said.

Mr Symonds: I would just like to point out that I think it's improper. There's no notice of any further evidence. Five minutes before another Officer gives evidence and some days after the Officer who conducted the interview has left the court this is suddenly produced out of the blue. It's not in the transcripts. As far as I'm concerned it's produced out of thin air.

Mr Rivlin: Well, Your Honour, ...

A
B
JUDGE STROYAN: Well, Mr Symonds, it's really in your favour. Do you see? It's in your favour. I would have thought you would be happy to have it in on that basis. There you are saying, and it's the only time I think that you are recorded as saying it anywhere, in reply to the question "Did you tell Perry that you were part of a firm within a firm and in London you could make contact with other Police Officers who could assist him if he wanted anything?" There you are, saying "No, certainly not". And there isn't any other place in the evidence as I understand it where you do make an express denial of that. I should have thought that was entirely in your favour. I am not trying to do anything other than to help you. I would have thought that was something you would want in. Perhaps you would like a word with your solicitor about it.

C
Mr Symonds: Well I register my objection to this, Your Honour, this method of producing evidence. I would like to say that I think that if this is produced in this fashion I should be allowed to recall Mr Moody for further questioning.

D
JUDGE STROYAN: Look, what's it that you - Are you - tell me in the absence of the jury. Are you saying that this reported reply, which seems to me to be entirely in your favour, was not made? I am looking at page 92. You see, there is not other place in the evidence as I recall where you make an express denial that you've said that, and that's something which may be in your favour. Do you understand?

E
Mr Symonds: Well, I haven't really had time to think about it, Your Honour. I have just been given this. You see, by the time this questionnaire was made I hadn't heard the taperecordings. I didn't hear them until nearly a year after this questionnaire.

F
JUDGE STROYAN: Well never mind that. Just look at that question and see if you want that reply in. It does look to me as if it might help you. Page 92.

Mr. Symonds: There are lots of things about Brooke in here, Your Honour, which I thought we had agreed to cut out.

Mr. Rivlin: Your Honour, I am happy - let the defendant know this. I am happy to leave the whole thing out.

G
JUDGE STROYAN: Yes.

Mr Rivlin: It makes no difference to me. The point is this, that it's important we should deal with the truth, and if the truth is that he was asked some questions about the 21st then it would be wrong for the jury to be misled into thinking that he wasn't.

H
JUDGE STROYAN: Yes.

Mr. Rivlin: And I just want to set the record straight. If the defendant says to me through Your Honour 'I don't want any of this', fair enough. It doesn't matter to me.

JUDGE STROYAN: No.

Mr. Rivlin: But the point is this; that he will not then be able to suggest to the jury that there wasn't any questions about the 21st when there were.

JUDGE STROYAN: No.

Mr Symonds: Well I would rather this was all left out and I won't say anything to the jury about questions on the 21st, Your Honour, because this is most irregular giving me a wad of documents at this stage in the proceedings.

Mr Rivlin: Your Honour, the defendant never misses an opportunity to use the word improper or irregular. May I say that I would be the first to concede that the proper form of serving this would be accompanied by a piece of paper which amounts to a notice of further evidence.

JUDGE STROYAN: Yes.

Mr Rivlin: And that is something that we could so easily do. Your Honour, would know that in normal circumstances this would simply be accepted without more.

JUDGE STROYAN: Yes.

Mr Rivlin: Well now, Your Honour, if the defendant takes the technical objection, then so far as I am concerned we will have it served accompanied with a notice of further evidence. It makes no difference.

JUDGE STROYAN: I should have thought the much more sensible thing was not to deal with it in evidence here; The defendant doesn't seem to want to hear this evidence, and to limit the situation simply to asking this witness whether there were questions about the 21st November and leave it at that. If the defendant then wants to go into details he has got to be told that he is able to do so.

Mr Rivlin: Your Honour, yes. Well, Your Honour, I don't

Mr. Symonds: I agree to that, Your Honour.

JUDGE STROYAN: Very well.

Mr. Symonds: There were questions on the 21st and that's the end of it.

JUDGE STROYAN: Yes.

Mr Rivlin: No, Your Honour, I would be quite happy to say Were there questions about the 21st November? Answer, yes. And is it right that the defendant certainly made no admissions about anything that had happened?

JUDGE STROYAN: Yes.

Mr. Rivlin: To which also the answer would be no doubt yes.

JUDGE STROYAN: Yes.

/yes

Discussion

A Mr Rivlin: But the only concern that I have is that the jury shouldn't be misled into thinking that there were no questions about the 21st, when there were.

JUDGE STROYAN: Yes. Well, I think that deals with it. We will limit this to the witness saying that there were questions about the 21st November and in reply to those questions the defendant made no admissions.

B Mr. Symonds: I am content with that, Your Honour.

JUDGE STROYAN: Very well.

Mr. Rivlin: Very well, and Your Honour

Mr Symonds: Because, you said yourself, there is no evidential value.

C JUDGE STROYAN: No.

Mr. Rivlin: Yes. Well, Your Honour, I would be the first to accept that. And May I say that if the defendant at any stage of the case changes his mind I will be happy to admit that answer.

D JUDGE STROYAN: Yes.

Mr Rivlin: There is no problem about it. Your Honour, the other matter is this. That I have given notice to Mr. Green, good notice, that when Mr. Price comes into the witness box I propose to ask him one or two questions about Police procedure in relation to interviewing suspects or persons who are on bail and the way in which one should keep one's diary.

E JUDGE STROYAN: Yes.

Mr. Rivlin: And I have given notice of what those matters are. And I say that in the absence of the jury lest there should be any objection taken that there has not been proper notice.

F JUDGE STROYAN: No. Well, I can't think that the defendant is going to be taken by surprise with experienced Police Officers.

Mr Rivlin: Your Honour, I think not. I think not.

JUDGE STROYAN: Yes. Yes, very well. Let the jury return.

(The Jury return to Court)

G Detective Chief Inspector Barry PRICE, (Sworn)

Examined in chief by Mr. Rivlin

A. Barry Price, Chief Constable, Cumbria Constabulary.

H **Q.** Now, is it right, Chief Constable, that in July of 1970 you were then a Detective Chief Inspector, attached to New Scotland Yard? - **A.** Yes.

/Yes

Chief Constable
Price

A

Q. And on Saturday, 4th July of 1970, together with Detective Chief Superintendent Moody, as he then was, did you see the defendant in this case? - A. Yes, I did.

Q. And was that in the presence of his solicitor, Mr. Lissack? - A. That's so.

Q. Did the interview commence in the morning? - A. It did.

B

Q. And what form did the interview take, please? - A. It was a prepared questionnaire.

Q. The questions were all prepared on a sheet of paper? - A. On sheets of paper, yes.

Q. And there were blanks left for the answers? - A. Yes.

C

Q. And who asked the questions? - A. Mr Moody.

Q. And who recorded the answers? - A. I did.

Q. And when did you record the answers? - A. As they were spoken.

D

Q. As they were spoken? - A. Yes.

Q. Now, I wonder whether it might be possible for me to lead this, Your Honour. I am sure the defendant knows what that means.

JUDGE STROYAN: Do you agree with that, Mr. Symonds?

Mr Symonds: Yes.

E

JUDGE STROYAN: Yes.

Mr. Rivlin: Is it right that Chief Superintendent Moody said to Detective Sergeant Symonds, "Following the publication of The Times newspaper on the 29th November 1969 ..

F

JUDGE STROYAN: I think the witness has got a document in front of him now.

Mr. Rivlin: You have got it in front of you, have you? - A. I have the original document.

Q. Yes, you have. - A. The original questionnaire.

G

Q. Might he refer to that, Your Honour?

JUDGE STROYAN: Yes, certainly.

Mr. Rivlin: Did he say "Following the publication of The Times newspaper on the 29th November 1969, which contained allegations of corruption by yourself and other Police Officers, enquiries are being made"? - A. Yes.

H

JUDGE STROYAN: I am sorry?

/sorry

Chief Constable Price

Mr. Rivlin: This is at the bottom of page 324.

JUDGE STROYAN: Thank you. Yes.

Mr Rivlin: And was he told that Superintendent Moody proposed to interview him in some detail? - A. Yes.
did

Q. And/he say "The matter which I now propose to ask you questions about relates to an allegation that whilst Michael Perry was detained at Camberwell Police Station on Wednesday, 24th September, on suspicion of being involved in an offence of burglary at Nuneaton, that you improperly intervened in this matter and conspired with Perry and others to pervert the course of justice." - A. Yes, he did say that, but before that, sir, he did caution him.

Q. He cautioned him? - A Yes.

Q. What did he say when he cautioned him? What were the terms of the caution? - A. You are not obliged to say anything unless you wish to do so but what you say may be put in writing and given in evidence.

Q. Yes. And was it said by Moody that "It is said that you spoke to Perry in the cells at Camberwell and disclosed the nature of the evidence then available and offered him certain advice in relation to his attitude when questioned by Nuneaton Officers"? - A. Yes.

Q. "Will you produce and identify your diary covering the period 19th March 1969 to 25th November 1969?" - A. Yes.

Q. And I shall ask you to formally produce that in a moment. But at that point did Mr Lissack say "You have very fairly cautioned Mr. Symonds that he need not reply to any of these questions and as his legal adviser it might well be that Mr. Symonds will answer some of the questions put, but if at any stage I consider, or he considers, that he does not wish to answer at this time then that will be indicated"? - A. That was said.

Q. And did Symonds say "Yes. This is my diary"? - A. Yes.

Q. Would you please have a look at Exhibit 31. Is that the diary that he identified? - A. Yes.

Q. Well I shall ask you one or two further questions about that in due course. Was he asked "Do you remember Michael Roy Perry?" - A. "Yes."

Q. And so, from now on I will ask the questions and you just give the answers. - A. Yes.

Q. "On 24th September 1969 did you with other Officers search his address at 40 Nunhead Lane, S.E.15.?" - A He replied "Yes".

Q. You need not even say he replied. Just give the answers. "Whilst at the flat did you notice anything unusual respecting any clothing?" - A. "I don't propose to answer that question."

A Q. "Were you subsequently informed that Perry had been arrested and was detained at Camberwell Police Station by Warwickshire Officers in connection with the theft of a large quantity of cigarettes stolen from the Nuneaton Co-operative Society?" - A. "I don't wish to answer that question."

B Q. "Whilst at Camberwell Police Station did you ask Detective Constable Hannis, who was of the the Nuneaton Officers, if you could see Perry about a quantity of clothing you had seen in the flat?" - A. "No reply."

B Q. "Did you tell Detective Constable Hannis that you might be able to get Perry to plead to an offence under Section 1, of the Theft Act 1969, in respect of the Nuneaton offence?" - A. "No reply."

C Q. "Sometime after 7.30 p m. on 24th September 1969 did you go for a drink in a nearby public house with Detective Sergeant James and three Detective Constables from Nuneaton?" - A. "No reply."

Q. "Whilst in the public house ..."

JUDGE STROYAN: Just a moment. I have run out of paper here.

D Mr Rivlin: Page 326, Your Honour.

JUDGE STROYAN: Yes, my bundle ends at page 326.

Mr. Rivlin: Well then Your Honour I am sorry about that.

E JUDGE STROYAN: I think I may have it detached somewhere. Yes I have. Yes, I have it. When you say no reply, Mr. Price, did he remain silent or did he answer no reply? - A. Those were his actual words, Your Honour.

Q. Thank you.

Mr Rivlin: Of course, so that the jury will understand, he was fully entitled to say no reply, wasn't he? - A. Yes.

F Q. Yes. "Whilst in the " - this is at the top of page 327, Your Honour.

JUDGE STROYAN: Yes. Thank you.

Mr. Rivlin: "Whilst in the public house or at Camberwell Police Station did you ask Sergeant James if he objected to you speaking to Perry alone?" - A. "No reply".

G Q. "Did you see Perry alone and what was the nature of the conversation?" - A. "No reply".

Q. "Did Sergeant James or any other Police Officer tell you that the only evidence against Perry at that time was information supplied by an informant?" - A. "No reply"

H Q. "Did you at that time know whether or not there was fingerprint evidence in that case?" - A. "No reply".

/reply

Chief Constable Price

A

Q. "Perry alleges that during your conversation with him you said someone had told you that you could talk to him. Is this true?" - A. "No reply".

Q. "Did you tell Perry that if the Nuneaton Officers came in he was to say that you were talking about clothing from the flat?" - A. "No reply".

B

Q. "Did you say to Perry 'I don't think they've got a lot on you, they won't tell me a lot. They have got a fingerprint of yours. Tell them you'll plead guilty to Section 1, theft, the most you'll get is twelve months for that'?" - A. "Definitely not".

Q. "Did you tell Perry you would see him when he came out?" - A. "No reply".

C

Q. "It is alleged from this conversation and from subsequent actions that you gave Perry information and advice for which you accepted payment. Is this true?" - A. "Definitely not".

Q. "Did Detective Constable Cook, one of the Nuneaton Officers, come to the cell whilst you were speaking to Perry?" - A. "No reply".

D

Q. "Did you question Perry about the clothing in the flat?" - A. "No reply".

Q. "Did you tell Sergeant James, the Nuneaton Officer, that you thought Perry would plead to Section one?" - A. "No reply".

E

Q. "Your diary shows that at 4 p.m. on 24th September you went to Nunhead Lane and kept observations until 7 p.m., when you went to Peckham Police Station and had a meal until 7.30 p.m. The diary then shows that you returned to Nunhead Lane and kept observations until 9 p.m. when you arrested Michael Roy Perry for burglary and that Perry was taken to Camberwell Police Station where you were engaged with him until 9.15 p.m. Your diary shows that at 9.15 p.m. you went to the Walmer Castle public house. Is this entry accurate?" - A. "No reply".

F

Q. "Were you present when Perry was arrested at 40 Nunhead Lane?" - A. "No reply".

Q. "Book 12A, entry 321, shows that Perry was arrested at 7.15 p.m. and brought to Camberwell Police Station at 7.30 p.m. by Detective Sergeant James of the Warwickshire Constabulary. Can you explain this entry?" - A. "No reply".

G

Q.. Now, if you go on please. Your Honour, page 332.

JUDGE STROYAN: Just a moment please. 332, yes.

Mr Rivlin: Yes.

JUDGE STROYAN: A reference to Perry.

H

Mr Rivlin: Did Officer Moody say "Did you telephone the C.I.D. office at Nuneaton Police Station on Friday 26th September 1969?" - A. "No reply".

/reply

Chief Constable Price

Q. "Did you subsequently on the same day receive a telephone call from Detective Constable Hannis" - A. "No reply".

A Q. "Of Nuneaton C.I.D.?" - A. I'm sorry. "No reply".

Q. "Did D.C. Hannis tell you that Michael Perry had been bailed under Section 38(2) of the Magistrates Courts Act, to return to Nuneaton Police Station at a later date?" - A. "No reply".

B Q. "Did Hannis tell you that Perry had alleged that he had been advised to keep his mouth shut and that it would cost him?" - A. "No reply".

Q. "Were you told that further enquiries would be made in Nuneaton with a view to obtaining evidence to connect Perry with the Nuneaton offence?" - A. "No reply."

C Q. "On this day, 26th September 1969, did you receive information from a Nuneaton Officer that a girl may have been involved in the Nuneaton offence?" - A. "No reply".

Q. "Did you tell Hannis that you and 'another bloke' had found Brooke?" - A. "No reply".

D Q. "Did you receive a telephone call on 27th September from D.C. Clarkson of Nuneaton?" - A. "No reply".

Q. Your Honour, I don't think that, unless the defendant wants it, that these following questions would be proper in the circumstances. I don't think that they take the case ..

JUDGE STROYAN: No.

E Mr Rivlin: ... further either way.

JUDGE STROYAN: No.

Mr. Rivlin: Has Mr. Symonds any view about that? No. Very well.

Mr Symonds: No.

F Mr. Rivlin: Well, now, we can go on now to page 335, Your Honour.

JUDGE STROYAN: Yes.

G Mr Rivlin: Did a stage come where Officer Moody said to the defendant "Did you at any time know that a letter had been or would be sent to Perry". I wait until you find it. Have you got it? - A. Yes.

Q. Right. "Did you at any time know that a letter had been or would be sent to Perry from the Nuneaton Police telling him that he need not surrender himself under the terms of the recognizance notice he had entered into under Section 38(2) to return to Nuneaton?" - A. "No reply".

H Q. "How did you learn that Perry was not to be prosecuted for the Nuneaton offence?" - A. "No reply".

/reply

Chief Constable
Price

A Q. "Did you at this time own a white Vauxhall motor car registration number 739 CRK?" - A. "Yes."

B Q. "When you met Perry on the forecourt of the Rose Public House did Perry come and sit in your car?" - A. "No reply".

B Q. And Your Honour, I pause there to interpose this. Is it right that on an occasion the defendant had been asked if he had ever been to the Rose and that he had said "no reply". I think you are aware of that being the case, are you not? - A.

Yes. Yes, Your Honour.

Q. Your Honour, that in fact appears at page 313.

JUDGE STROYAN: Yes.

C Mr. Rivlin: "Your diary shows" - Now you are going to come on to the diary, aren't you? "Your diary shows that you went to the Rose Public House at 7.15 p.m. on Saturday, 27th September 1969, and at 9.30p.m. on Friday, 3rd October 1969, and on each of these occasions you met an informant. On either of these occasions did you meet Michael Perry?" - A. "No reply".

D Q. Now, at this point, Your Honour, I think it might be helpful if the jury received copies of the diary.

JUDGE STROYAN: Yes.

Mr. Rivlin: We have got copies of the diary, typewritten copies of the entries of the diary, and I would ask that they be handed to them.

E JUDGE STROYAN: Do we need the whole of the diary?

Mr. Rivlin: Well, Your Honour, I think we have been into this, and the defendant has said that rather than just have a few pages he would rather have the whole lot in.

JUDGE STROYAN: Yes, very well. That's what you want, Mr. Symonds, is it?

F Mr. Symonds: When the typewritten copies were made we did receive a letter from the DOPP that they couldn't vouch for the accuracy of the typewritten copies. I don't know what the Prosecution counsel say.

G JUDGE STROYAN: That's not the point. What I am asking you about now is whether you want the whole diary going in, as I think Mr. Rivlin is/only going to deal with three important days.

Mr. Symonds: We might as well have the whole diary now, Your Honour.

JUDGE STROYAN: Very well.

H Mr. Rivlin: We have got manuscript copies, Your Honour, but they are very difficult to read.

/read

Chief Constable
Price

JUDGE STROYAN: Yes.

Mr Rivlin: And if the defendant, having had the items, feels that there is something in the diary or the transcripts that the jury have which is inaccurate he will no doubt be the first to let us know.

JUDGE STROYAN: Yes, very well.

Mr Rivlin: Now, would you like to have a look at the diary. You have got the original in front of you, haven't you? - A. I have, yes.

JUDGE STROYAN: Exhibit 31 is it?

Mr Rivlin: Your Honour, that's right. And the jury can see that this comes just day by day in chronological order, and so they can find the 27th September for themselves.

Mr Symonds: Can I have a copy of this, Your Honour.

Mr Rivlin: Would you look at the original please, the 27th September. And do you see an entry there for 7.15? - A. Yes.

Q. Would you just read it out? - A. "Engaged office to 7 15, then to Rose Public House to meet informant for whom I purchased refreshments whilst seeking information. Left public house at 8 p.m. and engaged in observation until return to MC at 9 p.m. and off duty."

Q. So that he is making an entry there to the effect that he is meeting an informant at the Rose at 7.15? - A. Yes.

Q. Right. Then you went on to ask him about Friday, 3rd October 1969. So perhaps we can just look that one up.

JUDGE STROYAN: Am I right in thinking that that diary is a Police official diary? - A. That is so, Your Honour.

Q.. Which it is the duty of the defendant to keep in the discharge of his office as Detective Sergeant? - A. That is so, Your Honour.

Q. Yes.

Mr. Rivlin: If we look at Friday, 3rd October, would you go to 9 30 p.m. please, and just read out precisely what is recorded there. Don't elaborate on the words used. Just read out the words that appear. - A. For the whole of the day, sir?

Q. No. 9 30. - A. 9.30.

Q. Start at 8 15 if you like. - A. "8.15, and to 83" I think it reads "Railton Road, South East 24, re" I assume it's an abbreviation for break in, no "re bail enquiry, and engage until return to MC at 9.30 p.m."

A JUDGE STROYAN: What's MC stand for? - A. It's the code for the station to which the Officer would be attached. My memory doesn't serve me well to help you which station it was.

Mr Rivlin: Your Honour, it was the Camberwell. - A. Camberwell.

JUDGE STROYAN: Thank you.

B Mr. Rivlin: Yes? - A. "To MC at 930 when whilst seeking information I entered the Rose Public House and met informant for whom I purchased refreshments whilst seeking information. Left public house at 10 p.m."

Q. Right. That will do.

JUDGE STROYAN: A lot more words than I have got in my copy.

C Mr Rivlin: Well, Your Honour, there is. There is. That's absolutely right, and it comes as a little surprise to me that there is.

JUDGE STROYAN: Yes.

D Mr Rivlin: I wonder whether, in those circumstances - I have checked through, may I say, the ones for the three days with which we are concerned in this case.

JUDGE STROYAN: Yes.

Mr Rivlin: And I think that those are accurate.

JUDGE STROYAN: Yes.

E Mr. Rivlin: But I take Your Honour's point about this and if the defendant would wish us to have a look at the photocopies of the handwritten original then of course I am quite happy that we should do that.

JUDGE STROYAN: Yes.

F Mr Rivlin: But I think Your Honour, if I may say so, that the point is being made that there is reference to the Rose Public House and purchasing refreshments for an informant.

JUDGE STROYAN: Yes.

Mr Rivlin: Which is really what you were asking him about, isn't it? - A. Yes.

G Q. And didn't Officer Moody say "On either of these occasions did you meet Michael Perry?" - A. Yes.

Q. What did he say? - Q. "No reply". I'm sorry.

Q. "Did you ever say to Perry 'You put me on the carpet, what did you tell them?'" - A. "No, not that I can remember."

H Q. "Did you ever say to Perry 'It's going to be £200, £100 now and £100 when a letter comes through?'" - A. "Definitely not."

Q. "Did you ask Perry for £100?" - A. "No."

A Q. "Did you say to Perry when referring to the money, 'when you can get it'?" - A. "When can you get it."

Q. "When can you get it?" - A. "No."

Q. "Did you say to Perry, 'If you haven't got it you had better go and do something'?" - A. "I might have said those words but not in relation to money."

B Q. "Did you tell Perry" - well, I don't think that the next question is going to help unless the defendant wants it. Talk about a woman, Your Honour.

JUDGE STROYAN: No.

Mr. Rivlin: Does the defendant want it?

C Mr. Symonds: No.

Mr. Rivlin: No. Thank you. Your Honour, I come to the 28th October.

JUDGE STROYAN: Yes.

D Mr. Rivlin: "On 28th October 1969 did you receive a message to telephone Perry on 854.7285? I'll show you the Message Book." And did you show him a message book? - A. A message book was shown.

Q. Exhibit 34. - A. And he replied "No reply".

E Q. "Did you receive a telephone call from Perry at about 1.55 p.m. on Tuesday, 28th October 1969?" - A. "No reply".

Q. "Were you at Camberwell Police Station at 1 55 on Tuesday, 28th October, 69?" A. "No reply".

Q. "Did you arrange to meet Perry by the Rose public house at about 10 p m that evening?" - A. "No reply".

F Q. "Did you receive a further telephone call from Perry that evening and agree to change the time of the meeting to 5.30 p m. the same day?" - A. "No reply".

Q. "Did you in fact meet Perry at the Rose public house, Camberwell, at about 5 30 p.m., on 28th October 1969?" - A. "No reply".

G Q. "Would you care to explain your diary entry for Tuesday, 28th October 1969". Now, if the jury would kindly look that up please. 28th October 1969. And would you just please read out what you have at 5.15 there please? - A. "Am to Edmonds Street re enquiry and return to MC at 6 p.m. and office to 6 30 p.m."

H Q. Right. Well, that's really what we have got too in our copies.

A Did Officer Moody say to him "Would you care to explain your diary entry for Tuesday 28th October, which shows that at 5.15 p.m. you went to Edmunds Street re enquiry?" - A. "No reply."

Q. "Did Perry sit in your car on this date?" - A. "No reply".

B Q. "Did you receive £50 from Perry on this date?" That is the 28th October. - A. "I never received any money from Perry at any time."

Q. "Did Perry ever say 'Has it still got to be £200'?" - A. "No".

Q. "Did Perry tell you that Inspector Robson had planted 'jelly' meaning gelignite on him?" - A. "No".

C Q. "Did Perry tell you that he was prepared to pay money to Inspector Robson to avoid prosecution for possessing the gelignite?" - A. "No."

Q. "Was Detective Inspector Silvester ever mentioned during your meetings with Perry?" - A. "No reply".

D Q. Now, if the jury would like to write on that page, count one. We are now going to go on to the second day, the 30th October.

JUDGE STROYAN: Count one on the 28th in the diary, you mean?

Mr. Rivlin: That's right.

JUDGE STROYAN: Yes.

E Mr. Rivlin: Just to remind them that relates to a day with which we are concerned.

Q. Officer Moody then went on to ask him about the 30th October, leading up to the 31st, right? - A. Yes.

F Q. Let's deal with that. "On the 30th October/⁶⁹ did you receive a telephone message to ring Michael Perry?" - A. "No reply".

Q. "Your diary entry for Thursday 30th October 1969 shows that you worked from 2p.m. to 11 30 p.m. that day. Is this an accurate record?" - A. "No reply".

G Q. Now we come to the 31st, which is the day at count two. "On Friday 31st October 1969 did you receive a telephone call from Michael Perry and arrange to meet him at 2.30 p.m. at the Grove public house?" - A. "No reply".

Q. "I must put it to you that you were seen to meet Perry in the car park of the Grove public house at 2.30 p.m. on 31st October 1969?" - A. "No reply".

H Q. "Did you get into Perry's car on this date?" - A. "No reply".

/reply

Chief Constable Price

A Q. And then you go and ask him about the diary entry, don't you? Would you just read out from the original please from 2 p.m. onwards, just exactly as it reads in the diary. 31st, 2 p.m. - A. "2 p.m. and meal to 2 45 p.m. and to MC High Street re enquiry and return to MC at 3 p.m."

Q. Yes? - A. "Engaged on"- no. "And engaged office".

B JUDGE STROYAN: And engaged office? - A. I think it is and, Your Honour. It's a little bit difficult to decipher. "Office engaged in".

Mr. Rivlin: It's difficult to read, you say? - A. It's difficult for me to decipher.

C Q. Well, we have got a note and somebody has put a question mark by the next word, so - but we have covered the main time with which we are concerned, Chief Constable, so don't worry about it. Now, is this what you put to the defendant. "Your diary entry for 31st October 1969 shows that you between 2 p.m. and 2 45 p.m. took a meal and then went to Camberwell High Street respecting an enquiry and returned to Camberwell at 3 p.m. This appears to be at variance with your actual movements. As I have explained you were seen to meet Perry. Can you explain your diary entry?" - A. "No reply".

D Q. "Did you ever speak to Perry about Roy Brooke being wanted on warrant?" - A. "No reply".

Q. "Do you know if Brooke was wanted at this time?" - A. "No reply".

E Q. Now, in fact, Chief Constable, is it correct that the defendant was asked some questions about the 21st November? - A. He was.

Q. But the situation is this, that his answers didn't advance the case either way, one way or the other either way? - A. That is a correct assessment, sir.

Q. More often than not it was no reply, wasn't it? - A. That is so, that.

F Q. Now, I would just like to ask you one or two questions if I may please about the diary and about another matter of police procedure, and I hope that you might be able to help us please. And would you remember that we are talking not about what the procedure is today but what it was in 1969, although it may or may not have changed. We have heard evidence to the effect that Perry was on bail during all the material times in this case. - A. Yes.

G Q. Are you able to confirm that? - A. Yes, that is my recollection.

H Q. What is or what was, rather, the position in relation to Police Officers seeing someone who was on bail? - A. These were defined in the general orders of the Metropolitan Police. I believe you might have a copy and I could read the exact order to the court if you so wish, but I could generalise for you.

/you

Chief Constable
Price

Q. Well, I think that given that the letter of the law is here for you to look at if necessary, - A. Yes.

Q. I am sure it will suffice if you just tell the jury in general terms what the position was in relation to Police Officers seeing people who were on bail. - A. Well, you are not allowed to see a prisoner on bail away from the Police Station without the authority of an Officer of the rank of Inspector or above. There was an exception to the rule which really ^{en}compassed the case where you might by accident bump into somebody that was on bail, and in other words it was not a pre-arranged meeting, or the occasion where perhaps an Officer's relative or very close friend in fact was on bail and it would be normal practice for him to meet them in his ordinary domestic life.

Q.. Yes. Now,.....

JUDGE STROYAN: Does it come to this, that Police Officers are not allowed to see or interview prisoners on bail except at a Police Station without the leave of the Inspector or higher up? - A. That is so, Your Honour.

Mr. Rivlin: Can you explain the reason for that? - A. Well, there had been a number of occasions when Officers had met prisoners on bail and they had been embarrassed ^{subsequently} by that meeting.

Q. Yes. - A. I should explain that it is not unknown for a prisoner who is awaiting trial to offer information to Police Officers, and it was quite a common practice at one time until these occasions occurred where there was embarrassments to say the least and this instruction was brought in.

Q. Now you say that this instruction was in force in 1969? - A. Yes.

Q. Yes. Would you expect any Police Officer to be aware of this instruction? - A. Yes I would.

Q. Would you expect someone, a Police Officer with the rank of Detective Sergeant to know about the instruction? - A. Yes I would.

Q. Now, can I ask you one or two questions about the diaries please. Would you just open that diary and open it up at the front and turn it round so that the jury can see that there appears to be some printed material that is pasted into the cover of the book? - A. That is so.

Q. And is that printed material, does that amount to instructions as to the purpose for which the diary is to be kept and how it's to be kept? - A. Yes, it's an extract again from the general orders.

Q. And can I just ask you, so that the court understands the position in relation to diaries. What is the purpose of such a record? It's an official book, you say? - A. Yes.

A Q. What is the purpose of such a record? - A. Perhaps it may help, sir, if I read the instruction itself. "C.I.D. Officers and those employed as aids to the C.I.D. are supplied with diaries which is an important part of their duty to keep as a record of all their proceedings when on duty. The object of these diaries is three-fold. First, to afford accurate information to the Commissioner of the manner in which duties are carried out by C.I.D. Officers. Secondly, to enable Chief Superintendents to keep check on their proceedings and expenses. Thirdly, to protect and assist the Officers on all occasions of future reference to their conduct".

B Q. Yes. Now, can I just ask you this general question. If a Police Officer is interviewing someone, is meeting someone in the line of his duties, for any purpose, would it be legitimate for him to make an entry in his diary to the effect that he was in a different place at the material time? - A. It would not.

C JUDGE STROYAN: Well, that's to say a false entry?

Mr Rivlin: Yes.

D JUDGE STROYAN: Yes? - A. Yes, Your Honour. I perhaps should expand and say that there are occasions when, on the direct authority of a senior Officer, one is permitted to put a very condensed version in the diary. But it does not show a false entry. It shows that you were engaged with somebody on a confidential enquiry.

Q. Yes.

E Mr Rivlin: And perhaps the jury should understand precisely what you mean by that. Could you elaborate on that? You say that - and one must not be unfair about this. You say it's not necessary in all circumstances for a Police Officer to write up absolutely everything that he has done during the day? - A. That is so.

Q. Yes. And it would be unreasonable to expect that he should? - A. Yes.

F Q. Right. But rather than making any misleading or false entry as to where he has been at a given moment in time, if he is on a confidential enquiry you say that there is or may be a procedure there for him making an entry in his book? - A. Yes. I should explain these are quite rare occasions. The diary is not only a record of an Officer's movements but it's an administrative document from which the expenses are extracted and therefore has to go through an administrative machinery. And there are occasions when working with a very senior Officer, he will instruct you to show 'engaged with' and his name would be there, and that would satisfy the supervisors that the expenses that he was claiming had been properly incurred. In other words, the supervision was direct.

G Q. Yes. Well, I think you have explained the sort of circumstances in which that might apply? - A. Yes.

/Yes

Chief Constable Price

Q. You have said that that would be a rare occasion? - A. Yes.

Q. And would have to be done by permission? - A. Express authority.

Q. Express authority. And if a Police Officer was to meet someone who was on bail, and we have already talked about that, haven't we, Chief Constable, would you expect there to be an entry in his diary relating to that meeting? - A. Yes.

Q. Yes. Well, would you please wait there.

Mr Symonds: Your Honour, I wonder if I could continue after the adjournment because I would like to discuss some matters during the adjournment.

JUDGE STROYAN: Well I can't imagine there is a great deal to ask this witness, and no doubt he would like to get away. Have you got a lot to ask him?

Mr Symonds: Not a lot, Your Honour, but I would like to take advice before I do.

JUDGE STROYAN: I think it's a good idea to get witnesses away as quickly as possible. I will rise for two minutes and you can have a word with your solicitor and then we will come back and you can deal with the matter.

(Short adjournment)

JUDGE STROYAN: Yes.

Chief Constable Price
Cross-examined by Mr. Symonds

Q. Mr. Price, did you take any part in preparing this questionnaire? - A. No.

Q. The questionnaire was prepared by Chief Superintendent Moody? - A. It was. I presume. I took no part in the preparation of it.

Q. And your part, as you have said, was just to write down the answers? - A. That is so.

Q. And that is your handwriting on the original before you? - A. It is.

Q. And I think I recall you saying that my solicitor was present and my solicitor advised me that as his legal adviser it might well be that I should answer some of the questions put, but if I did not wish to answer at this time then that would be indicated? - A. That is so, yes.

Q. And is it true that I was in - that I referred to my solicitor on many occasions before saying no reply? And some questions I discussed with my solicitor? - A. I honestly can't recall that, but I would not dispute that it took place.

A Q. Would it be true to say that, in general, I made no reply to the bulk of the questions except for some absolute denials to certain questions? - A. That is so.

Q. And is it to your knowledge that at this stage in July 1970 I had not heard the taperecordings? - A. I don't know. I can't answer that, I am afraid.

B Q. And I had no more knowledge of the allegations against me than literally what I have read in the newspapers?

JUDGE STROYAN: Well I really don't see how this witness can answer that.

Mr Symonds: The point I am trying to make, Your Honour, is that I was completely in the dark as to the nature of the allegation and the substance of the allegation that was ^{being} made against me.

C JUDGE STROYAN: Well, you have said that now. Yes?

D Mr Symonds: And Mr Price, you were asked some questions about meeting people on bail. Would it be right that, in general, the outlines you have made in connection with that subject would apply to an Officer meeting on bail one of his own prisoners, a man that he had arrested and was dealing with, or a man even that was being dealt with at his station? - A. Yes, the direction applies in the same way.

Q. And therefore, as an active Detective, as you yourself once was, it's not possible for all Officers in all parts of London to know all people who are on bail at one particular time? - A. Yes, that's a possibility. It's a certainty.

E Q. And therefore, if Mr Perry had been on bail, to another station or another sub-division, being dealt with by another Officer, there is no reason for me to know that he was on bail unless I make enquiries to find out if he was on bail? - A. I can't answer to your knowledge, Mr Symonds.

F Q. And would it have been normal at that time and under those conditions and in that part of London for normal C.I.D. Officers to have had numerous informants? - A. Yes.

Q. And numerous people offering information from time to time who were not regular informants? - A. Yes.

G Q. Now, you were asked some questions about pocket book - the diary. Would it be true to say that the diary was not the only record of a Police Officer's actions and duties in a Police Station? - A. There's a duty state, which indicates the time at which he commences and finishes duty, but no indication of what he is engaged on if he is a C.I.D. Officer. And there is a duty book which is kept in the C.I.D. office, which a C.I.D. Officer makes entries in to indicate where he is going. So it's not a record of what he's done but it's an indication of where he intends to go when he leaves the station. If you are thinking of something else you will have to help me.

A Q. And could you say from your knowledge of general Police practice at that time that it was not at all abnormal for diaries to be made up from the duty book one or two days later?

- A. Well, the duty book certainly is an aid memoire to what you have done, but one or two days later is stretching it. The direction is that it should be made daily. My experience is that young detectives sometimes do not follow that direction, but once they have been reminded once or twice by senior Officers then they are more apt to fill it in as per the direction.

B Q. And would the diaries normally be inspected once a week by a senior Officer? - A. It was my practice as a supervising Officer to inspect them twice a week, and I was subjected to that same supervision when I was a junior Officer. The diary was examined mid-week if you like, a period midway between the new week starting and the time that you submit it, which if I remember correctly was on a Thursday.

C Q. I wonder if I could look at the Exhibit please, the diary. And following on from the extract from General Orders that you read out, looking at item 53, - A. Yes.

Q. Does it say there that diaries will be checked weekly? - A. It does, yes, by the Detective Superintendent.

D Q. Yes. So, apart from your own described attitude on this, it would follow that that would have been the normal checking time, weekly? - A. Yes, it's submitted once a week and authorized and supervised by the Detective Superintendent..

Q. Now, you were asked to refer to the 28th October and to read out a passage from there. "At 5.15 to Edmunds Street re enquiry and return to MC at 6 p m."? - A. Yes.

E Q. Is it to your knowledge that the Rose public house is situated in Edmunds Street? - A. I am afraid I can't help you about that.

Mr Rivlin: I will agree that, Your Honour.

JUDGE STROYAN: Yes.

F Mr. Symonds: There's a map.

Mr. Rivlin: Your Honour, I will agree that.

JUDGE STROYAN: Yes. Thank you.

G Mr. Symonds: And you were then asked to look at the 31st. At 2 p m. it describes going for a meal? - A. Yes.

Q. And is it to your knowledge that at that time there were no canteen facilities at Camberwell Police Station? - A. I am afraid I can't help you on that one either, Mr. Symonds.

Q. And if there had been no canteen facilities would it have been normal for Officers to go out? - A. Yes.

H Q. For their meals? - A. Yes.

/Yes

Chief Constable Price

Q. And it would not be abnormal to go to a public house? -
A. It depends on one's taste,

Q. For a meal? - A. Yes.

Q. A cooked meal. And at 12.30 p.m. on the 21st November, from 12 noon until 12.30 p.m., does that show again taking a meal? - A. 12.30 to 1.15, yes.

Q. I believe the entry reads "To West Dulwich", which would be West Dulwich section, is that right, or West Dulwich area? - A. I will read the entry to you. "12 noon and to West Dulwich re enquiry and return to MC at 12 30. Meal to 1.15".

Q. I noticed you had some difficulty reading my writing? -
A. I do.

Q. Your Honour, I believe it has been accepted that - I may be wrong here. It has been accepted that the printed copy may not be accurate. - A. I cannot comment on that. I have not seen the printed copy.

Q. I will come back to that later.

Mr Rivlin: Your Honour, there is obviously to be more cross-examination.

JUDGE STROYAN: Yes.

Mr Rivlin: Your Honour, the position is this. May I confess that we may be in difficulties with witnesses this afternoon. I have got one witness, Officer Lambert, to tender.

JUDGE STROYAN: Yes.

Mr. Rivlin: I am going to tender Chief Inspector Walker if the defendant wishes to ask him questions.

JUDGE STROYAN: Yes.

Mr Rivlin: But I am going to be in difficulties thereafter, and I think it is only fair I should draw that to your notice at this stage.

JUDGE STROYAN: Well, if it's not inconvenient to this witness he can resume after the adjournment.

Mr Rivlin: Well, I suppose that any time is inconvenient to this particular witness, having regard to his responsibilities, but I thought it right to draw that to your attention.

JUDGE STROYAN: Yes. Mr Price, I think we will break off now. - A. I have abandoned today's programme, Your Honour.

JUDGE STROYAN: I am sorry to hear that, but there we are. Very well.

(The court adjourned for lunch)

Mr. Rivlin: Your Honour, we have been told that Detective Chief Inspector ~~Walker~~ will not be required.

A JUDGE STROYAN: Thank you. Yes.

Mr. Symonds: Mr Price, would you please look at my diary for Saturday, 18th October? - A. Yes.

Q. Or should I say perhaps go back to the 16th October. - A. Yes.

B Q. And can you see there that most of that day I was engaged on enquiries regarding an abortion? And on the 17th October I in fact went to Aldershot regarding an abortion enquiry? And the same for the next day, the 18th, from 8.30 a.m. to 10 p.m. And for the 20th ... - A. Can you just hold a moment. I am trying to read your writing. You say on the 18th October, Saturday, 18th October?

C Q. Yes. 2 p.m. to King's College and Giles Hospital? - A. Well then, you are not engaged on an abortion enquiry all day according to your diary here.

Q. Well, would it be right from 10.30 am. engaged on abortion enquiry until 1.15 p.m. to meal? - A. That's right, yes.

D Q. And then to King's College Hospital re abortion enquiry, and then in the afternoon, - A. Just one moment. I am trying to read and keep up with you. Yes. I am now up to 5 p.m.

Q. Yes. I am looking quickly through the following days . Would it be true to say that I was heavily engaged in the one abortion enquiry in connection with ~~Okanhari~~ ~~21st~~? - A. That name features regularly, yes, in the next - it's on Monday, 20th. I can't see it on Tuesday, 21st. Wednesday,

E JUDGE STROYAN: Is Okanhari the name of someone connected with the abortion enquiry?

Mr Symonds: Yes. Yes, Your Honour. A man.

F JUDGE STROYAN: Yes. - A. On the 22nd I see that you are engaged from twelve noon onwards again with that particular enquiry, Okanhari. The morning of the 23rd and the afternoon. The morning of the 23rd and also the afternoon of the 23rd and the evening of the 23rd. The 24th, you seem to have been engaged most of that day on that particular enquiry. The 25th, in the morning you seem to have been committed to that enquiry. But I can see, at a quick glance, no specific reference for the rest of that day. Do you want me to go on?

G Q. Yes. On the 27th? - A. That was the 25th I have just referred to.

Q. Yes. - A. The 26th, I can see no specific mention of that enquiry.

H Q. On the 27th? - A. On the 27th there is mention of that enquiry again from 11.15 in the morning, the afternoon and the evening. Further?

A Q. And on the 28th? - A. The 28th. Tuesday, 28th, yes, the name is mentioned again there from 11 a.m. onwards, again in the afternoon, but there seems to be a gap, but again later in the evening until twelve midnight you are engaged on that enquiry. The 29th, from 11 a.m. you seem to have been engaged on that enquiry, in the morning and in the afternoon.

Q. And would you say that I appeared to be working quite long hours on this enquiry? - A. Yes.

B Q. For instance, on the 28th, from 9 a.m. until twelve night? - A. Yes.

Q. And when you were engaged on the investigation did you make any enquiries about this Okanhari enquiry? - A. No, I did not.

C Q. You didn't? And in general, glancing through the diary, would it appear that I was working very long hours? - A. On the period you have directed my attention to, yes I would agree with that.

Q. Yes. I believe there is one date which I can't find where I worked more or less two days continuously? - A. At about that time?

D Q. Yes. But following on from that, I would like to ask you if, in view of being engaged on such an enquiry and the fact that, would you agree it was often done that diaries were made up practically on a weekly basis? - A. No, I would not agree that.

E Q. You wouldn't. Has it ever come to your knowledge where diaries have been made up more or less at the end of the week? - A. Yes, it has.

Q. It has. And I believe you did say that diaries were often made up using the duty book or as a guide? - A. As an aid memoire, yes.

Q. And entries would be made in the duty book before going to a meeting? - A. Before going to an assignment, yes.

F Q. And the diary would be made up either later that day or, I submit, the following day or even one or two days later? - A. Yes.

Q. Using the duty book as a guide? - A. As an aid memoire, yes.

G Q. And therefore, if a Police Officer wanted to hide that he had been to a certain area at a certain time for any particular reason, it would be no difficulty to make a false entry in his diary, respecting that particular meeting? - A. Yes. You could make a false entry in your diary if you wanted to disguise where you had been.

H Q. So it would be more likely the truth would be found in the duty book, or the duty state? - A. The duty book, as I have

/have

Chief Constable Price

A indicated before, is a book on which you write out your intended destination, and I know from my own experience one frequently started off at the address you had booked out to but those enquiries there led you on to others, and therefore when you got back you didn't write in the book where you had been because the duty book was only an indication to the supervising Officers where you were, and so it was for you to ensure that you had got in your mind or in some other documented form where you had been,

B Q. And would it be normal to show an informant as an informant and not by name? - A. That was normal, yes.

Q. And was it quite normal to meet informants in public houses and purchase refreshments for them? - A. That was normal, yes.

C Q. And would the entry be shown 'to such and such a public house where met informant and purchased refreshments'? - A. Yes.

Q. And as an active C.I.D. Officer, did you have many informants during your career, Mr. Price? - A. I had quite a few, yes.

D Q. And as to the ways of making informants or cultivating informants would you agree that there are various methods of cultivating or making informants? - A. There is more than one method, yes.

Q. Would you agree that in some cases Officers may seek to put pressure upon an informant to supply information? - A. I have never put pressure on any informant to supply information.

E Q. But would it be possible? - A. It's possible to do anything if you ask that sort of question, Mr. Symonds. It is possible.

Q. And would it be possible to, shall we say befriend an informant in some way? - A. A dangerous practice, but it is possible. It has happened.

F Q. And would you say that in most cases informants supply information for their own ends? - A. Frequently, yes.

Q. And infrequently for whatever money they may hope to earn from the Police Officer receiving information? - A. And that's another reason, yes.

G Q. When did you first come on to this enquiry, Mr. Price, may I ask? - A. At the very early days. I think within the first twenty-four hours.

Q. When Mr. Lambert was the appointed investigating Officer? - A. Yes.

Q. And did you concern yourself with making enquiries in connection with this allegation? - A. No.

H Q. Did you - A. I should

/should

Chief Constable Price

A Q. take statements from any persons? - A. Perhaps I should enlarge on that for you. The matters before the court were not part of my investigation in that particular enquiry. As the court will know, there were a number of other officers

JUDGE STROYAN: No, no. You must be rather careful about this.
- A. Yes. A number of other officers, against whom allegations were made.

JUDGE STROYAN: No.

B Mr. Rivlin: Your Honour, I think that perhaps the Chief Constable ought to be very careful here.

JUDGE STROYAN: Yes. - A. I can say that I did not take part in any of the investigations in the circumstances which have been brought before this court.

C Mr. Symonds: Did you have cause to take any statements from members of The Times newspaper? - A. Yes, I took a statement from one of The Times reporters.

Q. Can you remember which reporter that was? - A. I am pretty sure it was Mr Lloyd.

D Q. And when you took the statement from Mr Lloyd was Mr Mounter present? - A. Not in the same room..

Q. And were members or a member of The Times solicitors present? - A. Not in the same room.

Q. Did you have occasion to take statements from typists employed by The Times? For instance, Miss Dippy? - A. I can't remember.

E Q. In company with Detective Sergeant Forsyth? - A. If you have a statement with my signature on it then I did, but I just can't remember.

Q. And did you have occasion to take a statement from Miss War? - A. Again, I

F Q. An Australian lady. - A. I can't remember. But if you have a statement with my signature on it I will accept it.

Q. Perhaps you would care to look at the statement made by Miss Ann Dippy on the 5th January 1970. - A. I haven't got it, Mr Symonds.

G Q. No, it's being fetched now. And while we are waiting for that, I believe you took statements from some of the photographers and photographic staff also? - A. I have a recollection of being involved in that part of the enquiry, yes.

Q. And did you take any statements from any senior staff of The Times, for example the editor or managers, managerial staff?

H - A. I am sure if I had taken a statement from the Editor that would be in my memory, but again I am sorry, if you have

/have

Chief Constable
Price

A

statements I have taken well I will agree to it, but I can't remember.

Q. And when you took statements from - perhaps if you look at this now. - A. Yes, I have the statement now of Miss Ann Dippy.

B

Q. And when you took the statement from Miss Ann Dippy - if you look through it quickly - were you enquiring particularly into her part in making the transcripts?

JUDGE STROYAN: No, we can't have this witness giving evidence of what somebody else said. It is the same position as they can't give evidence about what they say by word of mouth.

C

Mr. Symonds: It was a general question, Your Honour, as to whether he was enquiring into a certain aspect.

JUDGE STROYAN: It doesn't matter how you dress it up. You can't get what someone else said to the witness. You can get what the witness himself said or did.

D

Mr. Symonds: Having read that statement, when you took this statement were you particularly paying attention to certain aspects of the way in which Miss Dippy had handled taperecordings at one stage? - A. Yes, that would be a natural part of the investigation to prove the continuity of the evidence.

E

Q. And when you took a statement from Miss War would you have been interested in the same matters as you had been with Miss Dippy? - A. I'm not sure how these statements are filed in here, but if there is anyone in court that can direct my attention speedily.

Mr. Rivlin: Your Honour, Miss War's statement is before the court.

F

JUDGE STROYAN: Yes, in a notice of additional evidence.

Mr. Rivlin: Your Honour, yes. Well, Your Honour, it is before the court. It has been lodged with the court for some little time now.

JUDGE STROYAN: Yes. - A. This is quite a mass of papers, Your Honour.

Q. Don't worry for the moment.

G

Mr. Symonds: Perhaps 101, would that help you?

JUDGE STROYAN: Perhaps he could look at a copy. I have got a statement that purports to be made by Miss War on the 1st January 1978. It purports to have been taken by this witness.

Mr. Rivlin: Well, Your Honour, we will accept that this witness took a statement from Miss Warr.

H

JUDGE STROYAN: Yes.

/Yes

Chief Constable
Price

A Mr Symonds: And when you took a statement from Miss War would it have followed along the same lines as a statement taken from Miss Dippy, as both ladies were engaged? - A. I haven't got the statement or a copy of it, so I can't answer that question.

Q. You see, we have an extract

B JUDGE STROYAN: I think the question this defendant is anxious to investigate with you is ^{whether} at the time you took that statement you were concerned with the custody of the tapes? Is that it, Mr. Symonds?

Mr Symonds: Yes. - A. That would be so, Your Honour.

C JUDGE STROYAN: Yes. Well there we are. That's the answer you wanted. Yes. What's the next matter?

Mr Symonds: And lastly, to return to the questionnaire, one or two points there.

JUDGE STROYAN: Yes.

Mr. Symonds: On page 277. - A. I am afraid that number

D Q. Which was about the third or fourth page after the beginning.

JUDGE STROYAN: 277?

Mr Symonds: 277 of the depositions, Your Honour. It would be about perhaps the third or fourth page of Mr. Price's.

E JUDGE STROYAN: 277 relates to another witness in my copy.

Mr. Symonds: Well, they should be identical, because I only ...

JUDGE STROYAN: Well, just a moment. I will see if I can try and obtain it for you. I think you may be - Try the bottom of page 327.

F Mr. Symonds: The bottom of page 327. - A. That number doesn't help me, Mr. Symonds. I have page numbers for the questionnaires. You may have to help me.

Q. Well, after the third or fourth page of your copy, where questions are being put to me about what I am supposed to have said to Perry in the cell at Camberwell.

G JUDGE STROYAN: Are you looking at a question which begins "Did you tell"?

H Mr. Symonds: Yes. "Did you say to Perry". Do you see the bit? "Did you say to Perry 'I don't think they've got a lot on you, they won't tell me a lot. They have got a fingerprint of yours. Tell them you'll plead guilty to Section 1 theft, the most you'll get is twelve months for that'". Have I read that out correctly? - A. Yes, you have.

/have

Chief Constable
Price

A Q. And the question put then on the, I believe the 4th July 1970 to me was the allegation that I said to Perry 'They have got a fingerprint of yours'? - A. In that question, yes.

Q. Yes. Yes. And at the beginning of the enquiry did you play any part in the making of the Police version of the transcripts? - A. No.

B Q. Did you ever have cause to examine the alleged original taperecordings? - A. No.

Q. Thank you very much, sir.

C Mr Rivlin: Yes. Thank you. And in answer to that question, "Did you say to Perry 'I don't think they've got a lot on you, they won't tell me a lot. They have got a fingerprint of yours. Tell them you'll plead guilty to Section one, theft. The most you'll get is twelve months for that'?" What was the defendant's reply? - A. "Definitely not".

Q. Yes. Yes, thank you very much indeed, Chief Constable. Your Honour, might he be released please?

D JUDGE STROYAN: Yes, certainly.

Mr Rivlin: Mr. Lambert. Mr. Fred Lambert please.

JUDGE STROYAN: He is not on my list of witnesses.

E Mr. Rivlin: No, Your Honour, he is additional evidence. And the position is this, that he is to prove the diary and the notebook and I shall just call him to prove that he was involved in the enquiry and to produce the notebook.

JUDGE STROYAN: Yes. Do you mean the diary?

Mr Rivlin: Well, the diary has been proved.

JUDGE STROYAN: Yes.

F Mr Rivlin: To produce the notebook.

JUDGE STROYAN: Whose is that?

Mr Rivlin: The defendant's.

JUDGE STROYAN: Ah yes. Yes, we haven't seen that.

G Mr Fred LAMBERT, (Sworn)
Examined in Chief by Mr. Rivlin

Q. What is your full name please? - A. Fred Lambert.

Q. Where do you live, Mr. Lambert? - A. 49 Glenly Road, Streatham, London.

Q. And are you now retired from the Metropolitan Police Force? - A. I am, yes.

A Q. What was the rank that you obtained at the time that you retired? - A. I was Detective Chief Superintendent.

Q. When was it that you retired, Mr. Lambert? When did you retire? - A. On the 31st March, 1971. Ten years ago today.

B Q. 1971. Now, were you involved in TheTimes enquiry? - A. I was, yes. I took charge of it from the inception.

Q. Right. And that was at the very end of November of 1969, wasn't it? - A. I think it was the 29th November in fact, or the 28th, midnight on the 28th. I can't remember.

Q. Yes. Well, you are being very precise. - A. Yes.

C Q. It was the end of the month? - A. Yes.

Q. Yes. And how long did you stay with it? - A. I think it was until the April, May of the following year I think. I'm not quite certain. I think it was the April, May.

Q. Were you still involved in the enquiry when tapes were being taken to E.M.I., for example? - A. Yes, I was.

D Q. And did you play some part in that? Or can you not remember? - A. I think they were done by my, one of my first Sergeants. Osborne I think, if I remember rightly.

E Q. Yes. With what degree of care were the tapes handled? - A. Well, once they came into my possession, and they came into my possession on the night the enquiry started, they were under lock and key all the time and they were only touched by the Officer in charge of the tapes. He, I am certain, was a fellow called Osborne, I think.

Q. Yes. Now, the position is this, that you were - the defendant's diary came into your possession, did it not, at some stage? - A. Yes, it did. I suppose

F Q. I don't think you need worry about the date, Mr. Lambert. - A. About a week after the enquiry started, I think.

Q. And is it right that the defendant's pocketbook came into your possession? That's the one .. - A. Yes, I did take possession of his pocketbook together with other books. His diary and telephone message books and what have you.

G Q. Yes. Well, Your Honour, the pocketbook is there and the duty books are here.

JUDGE STROYAN: Yes.

H Mr Rivlin: As regards the pocketbook, I think that the position is this, that it was issued in August of 1969? - A. Yes, that's the date on it, yes.

/yes

Mr. Lambert

Q. The only entry so far as the pocketbook is on the last page, is that right? The rest of it is blank? - A. That's correct, yes.

Q. And there is nothing in it relating to this case at all? - A. Nothing at all.

Q. Or to Perry? - A. Nothing at all.

Q. Yes. Now, would you please wait there, Mr. Lambert, and answer some questions.

Cross-examined by Mr. Symonds

Q. Mr. Lambert, you were brought on to this enquiry the night that the newspaper was printed containing the allegations? - A. That is correct.

Q. And when you went into Scotland Yard did you there meet a reporter from The Times together with one of his senior Officers, Mr. Mounter and Mr. Colin Webb? - A. I met Mr. Mounter. There was a young lady present but I can't recall her name, and another person. There were three people in fact.

Q. And did Mr. Mounter and Mr. Webb bring to New Scotland Yard two parcels containing statements and taperecordings? - A. Yes, they were in two cardboard boxes if I remember rightly, but certainly two parcels, yes.

Q. And did you cause a statement to be taken from Mr. Mounter in which these items were listed? Perhaps if you looked at... - A. Yes I did, the following week, and I think, I can't remember who got from the two reporters, Mr. Mounter and Mr. Lloyd. I think I detailed Mr. Price to take the statement from one and Mr. Duffy the statement from the other, if I recall.

Q. Yes, sir. I wonder if you would look at a statement made by Mr. Julian Mounter on the 28th, the night of the 28th/29th November 1969, which was the night the newspaper was printed. Perhaps you could refresh your memory from that. - A. Yes, I can remember now. Yes, I took a statement or I caused the statement to be taken that night, showing my taking possession of whatever they had brought into Scotland Yard. That is correct.

Q. That's right, sir. And were you assisted in the statement by Detective Sergeant Hadwell. Did Sergeant Hadwell actually write the statement? Perhaps if you wait to look at it and refresh your memory. - A. Yes, I was. I can remember. Yes, I was. Yes, as I said, this was basically a statement purely to list the property that I took possession of from the two, from the reporter, and very briefly to outline certain allegations that they were making.

Q. Now, is this right, - A. It's not in fact a detailed statement of their observations and what have you. This is purely to list the property I took possession of.

A Q. Yes. And this property would have been and would appear to have been from the statement listed most carefully, would that be right? And in detail? - A. I would have thought so and in detail.

B Q. Now, if I may - would it be right to say that each separate item of evidence, for example a taperecording or a transcript or a statement, were in many cases contained in separate envelopes? - A. Yes, many of them were, yes.

B Q. Numbered envelopes? - A. Yes.

Q. And if I may draw your attention to the contents of envelope number five, which is on my first page? - A. Yes.

C Q. Is it shown there as containing a taperecording, containing on one side conversation during the above mentioned meeting, which is a meeting between Detective Sergeant Symonds and Mr Perry on October 28th, and on the other side a telephone call to Sergeant Symonds by Perry? - A. That's what it says in the statement, yes, and that, I would believe, mind you, that would be information, because the number of tapes that were given to us of course we didn't play them.

D Q. No. - A. These were - in fact they came in, if I remember rightly and it should be on the papers, I think they came in with a prepared statement.

Q. Transcript? - A. Yes, I think.

E Q. And do you recall that there were in fact fourteen taperecordings handed over on that occasion? - A. I couldn't possibly recall, but if it's listed here then yes it would be, but I couldn't possibly recall.

Q. Well, I wonder if we could go through the statement to list the number of taperecordings shown in that statement to be fourteen. So, looking through the statement, would you ...

JUDGE STROYAN: We have done this once already. We have done this once already, Mr Symonds.

F Mr Symonds: Well, the Prosecution don't accept it's fourteen, I understand, and we have counted it once or twice with other witnesses.

JUDGE STROYAN: I don't think we need count it again. I think if the answer to the number of tapes is fourteen then the number of tapes is fourteen. We have had this point time and time again.

G Mr. Symonds: Alright then. - A. I would say with certainty, My Lord, that whatever I took possession of that night would be recorded in this statement. The allegations were of a very very serious nature and the recording of the tapes coming into my possession at Scotland Yard was of utmost importance and this would have been a true statement of what was taken possession of by Police.

A

Q. And in view of the importance of the investigation would it be true to say that particular care would have been taken in the listing of the exhibits presented to you? - A. I would have thought so, yes. Well I would say definitely yes.

Q. And so, if you have there the following wording, "also two envelopes, transcripts of taperecordings taken of a meeting between ..." - A. Sorry. Will you hold on. I'm not with you. Can you tell me where you are in fact?

B

Q. I am at the bottom of my first page. The very start off of listing the property, where it says "I came with my News Editor, Mr Colin Webb, to New Scotland Yard at 10 p m. and later handed to Detective Chief Superintendent Lambert two parcels, containing the following". - A. Yes, I am with you.

C

Q. "One parcel containing envelopes, one of statement by Mr Gary Lloyd marked number one, statement by original complainant marked number two, statements by myself marked number three, and a list of evidence available marked number four." - A. Yes.

Q. "Also two envelopes; transcripts of taperecordings taken of a meeting between Detective Sergeant Symonds and Mr Perry on October 28th 1969 marked number five". - A. Yes.

D

Q. "A taperecording, containing on one side conversation during the above mentioned meeting, and on the other side a telephone call to Sergeant Symonds by Perry. These conversations were recorded by an attachment fitted to the telephone from which the call was made". - A. Yes.

Q. Now, ... - A. But can I just clarify that?

E

Q. Yes.- A. We would have had no, at that stage we would have had no opportunity to play these and ascertain whether that was correct or not.

Q. Yes. - A. We would have taken the word from the Times reporters concerned.

F

Q. Yes. And in fact there are fourteen taperecordings listed in this statement? - A. If you say so. I haven't counted them, but if you say so, yes.

Q. Now, the situation is, is it Mr Lambert, that on that night in fact the reporters brought in copy taperecordings? - A. Yes, they did.

G

Q. And some days later I believe you arranged for Scotland Yard to take possession of the alleged originals? - A. Yes, that is correct.

H

Q. Now, when the originals were taken possession of - in fact we have before the court now fifteen alleged original tape-recordings; now I wonder if you recall this discrepancy coming to your notice at that time, the fact that The Times were offering more original taperecordings than they had supplied copies?

A JUDGE STROYAN: I don't think that really follows in quite that form. - A. Yes, My Lord, I can follow in fact what he is saying. He is saying that this statement shows fourteen which were copies, but he is also saying, but I cannot remember quite honestly, that there were fifteen originals taken.

B Mr Symonds: Yes. You are correct, sir. - A. Yes, I can follow, yes. But I'm sorry, I can't possibly remember. You know, we are talking of twelve years ago and I am getting an old man. My memory is not quite what it ought to be.

Q. No.

JUDGE STROYAN: I don't suppose anybody could expect you to remember anything twelve years old. Yes.

C Mr. Symonds: Now, would it be normal procedure for the original exhibits to be entered into an Exhibit book by your Exhibits Officer? The original copy taperecordings which have been handed in? - A. I would have thought so.

JUDGE STROYAN: Let's not get confused about calling them original copies. There are originals and there are copies.

D Mr Symonds: I meant that because there were several sets of copies. The first set of copies which were handed in to you should have been entered into a book somewhere? - A. Well, not necessarily at that stage because a statement was taken covering the taking possession of that property.

Q. I see. - A. And I would have thought that when the originals were taken possession of, and again I can't remember, but I would have thought a statement would have been taken or they would have been listed and signed for in somewhere.

E Q. Yes. Perhaps you would look at Exhibit 41 I believe, which is in fact the Exhibit book. And would it be true to say that the very first entry in that book is in fact concerning taking possession of the fifteen alleged originals? - A. Yes. It's true.

F Q. Does that refresh your memory at all, sir, the fact that fifteen and fourteen? - A. Not really, no. You know, there were a large number of Officers by that time working on this enquiry and I cannot possibly remember what each and every one of those Officers were then doing.

G Q. Now, moving on from that, did you yourself take from Mr. Perry his original statement to the Police? - A. Yes, I did. And if I remember rightly it was taken in the offices of The Times solicitors, Theodore Goddards, in the presence of one of their solicitors, and I think it was over a period of five days, if I remember rightly, from the Monday to the Friday. Again, my memory might be wrong but I think it's something like that.

H Q. And was the interview first of all undertaken on a question and answer basis? Or did Mr. Perry make this considerable statement straight off by himself? - A. No, it wasn't, it

/it

Mr. Lambert

A couldn't have been on a question and answer basis because I had no idea of what Perry's allegation in total was, so I couldn't ask him questions to take answers. It must have come spontaneously or as a result of his solicitor or The Times solicitor being there. Certainly there were questions and answers to clarify various ambiguities, but in the main I would have thought it was a spontaneous statement.

B Q. Right, sir. And after this statement had been made, a typed copy would have been prepared of the handwritten statement, is that correct? - A. I would have thought so, yes.

C Q. And would, as always, would particular care have been taken in ensuring that the typed copy of Mr Perry's statement was absolutely correct? - A. In that case we had a pool of typists typing statements and I think, if I remember rightly, two young officers engaged in reading the originals against the typewritten copies or one Officer was reading the types against the originals.

Q. You see, the reason why I am asking this question, sir, is I would like you to look at Mr Perry's original handwritten statement. I think it's at page 3.

D JUDGE STROYAN: Is that the one dated 5th December 1969?

Mr Symonds: Yes.

JUDGE STROYAN: Well, it appears to have been taken by someone called Detective Chief Inspector Davidson - A. That's right.

E Mr. Symonds: It was under Mr Lambert's directions, as we have just heard. - A. Yes, he was with me and he did the writing, in fact.

JUDGE STROYAN: You were present when it was taken? - A. Yes, I was present, sir.

Q. Yes. - A. All the time.

Q. Yes.

F Mr Symonds: And I believe it's on page three where Perry is making an allegation about what I am supposed to have said to him in the cell at Camberwell.. - A. Just let me

G Q. And it's about just below the halfway mark. He said "I don't think they have got a lot on you. They won't tell me a lot." Do you see that, sir? - A. Yes, he said "I didn't think they had got a lot on you. They won't tell me a lot". That's correct.

Q. Yes. Now, it goes on, "If they have got a fingerprint of yours", but the "if" has been put in later. Do you see that, sir? - A. Yes, and initialled at the time.

H Q. Yes. - A. Yes.

A

Q. Now if you would look behind that statement to the typewritten copy which should be just underneath the handwritten copy, and that would be on page two of the typed copy, again about halfway down, he said "I don't think they have got a lot on you. They won't tell me a lot. They have got a fingerprint of yours". - A. Woe, woe.

B

Q. Page two of the typewritten one. - A. Yes, I have got it now.

Q. Do you see the difference there, sir? - A. Yes I do.

Q. "They have got a fingerprint of yours". - A. Yes. And in fact it says "If they have got".

Q. In the typed copy? - A. In the original it says "If they have got a fingerprint of yours".

C

Q. And in the typed copy? - A. And in the typed copy it says "They have got a fingerprint of yours".

Q. Yes. Did you take any part in preparing the questionnaire that was put to me in July 1970, sir? - A. No, I didn't.

D

Q. And in view of the precautions taken in typing out a statement such as this, would you say that that is a serious difference? - A.

JUDGE STROYAN: Well, - A. Well, it is a difference.

JUDGE STROYAN: It's a difference. - A. It's completely different but ...

Mr. Symonds: Completely different.

E

JUDGE STROYAN: Well, the point is there, for what it's worth. The jury will have to decide that. - A. It varies.

Q. It's different? - A. Yes.

JUDGE STROYAN: The point is there, for what it's worth. The jury will have to decide that. It's not good asking the witness.

F

Mr. Symonds: Well, I would suggest that the "if" was put in after this statement was typed, but that suggestion is not to this gentleman. - A. No, that is completely untrue. That was put in and initialled at the time that statement was taken. It was initialled by Perry, and the only time I ever saw Perry....

G

JUDGE STROYAN: Just a moment please. Just a moment. - A. ... was at the time that statement was taken.

H

Q. Just a moment please, Mr. Lambert. When do you say the "if" was put in? - A. At the time that the statement was taken and I, if I can recall My Lord, it was after each day of taking the statement the statement at that stage was read over at the end of each day.

Q. Yes. -A. And any corrections or amendations were made and initialled by Perry at that time, remembering that

/that

Mr. Lambert

A Q. Just a moment please. It is right then, after each day of taking the statement it was read over and any necessary corrections were made? - A. That is correct, sir, yes.

Q. Yes. Yes.

B Mr Symonds: Following on from that, sir. During the time you were taking the statement from Mr. Perry, did you understand that he was staying in a hotel somewhere with The Times reporters in fact? - A. He was certainly under the care of The Times newspaper. I don't think he was with the reporters, but he was certainly being provided with accommodation by The Times newspaper. That was, if I remember correctly, what I was told at the time.

C Q. And at the time that you were the appointed investigating Officer of this enquiry who would have been your senior Officers, as it were your Commander? Would it have been Commander Virgo? - A. No.

D Q. The one above you, so to speak? - A. At the time this enquiry started I think it was Commander Chitty, if I remember rightly, but shortly after he was promoted a Deputy Assistant Commissioner and Virgo came as the Commander. I think that's right, but I wouldn't swear to that, but I think that's right.

Q. And having taken possession of the alleged original taperecordings, did you decide to submit them for technical or scientific examination? - A. Yes.

Q. As to their authenticity and originality? - A. Yes.

E Q. And did you in fact submit these taperecordings to the people who made them? - A. Yes.

Q. E.M.I.? - A. That is correct, to E.M.I., yes.

F Q. And was this decision yours alone or was it taken in conjunction with your senior Officers? - A. No, it was a decision of mine alone, I would say, at that stage. I can't remember. It might have been mine and Mr. Williamson who was seconded from the Home Office to oversee the enquiry. But I think this was just in fact before he came in the enquiry. I think it was my decision.

G Q. Now, when you came to this decision was it because you had some doubts about the taperecordings or was this just the natural thing to do at that time? - A. No, this was obviously something that had to be done. They had to be - we had to endeavour to get them authenticated, and to me at that time it seemed that the most right and proper people to do this were the manufacturers of the tapes, if they had the facilities. They were contacted. They had the facilities, and it seemed the natural - they seemed the natural people to do it.

H Q. And was your Exhibits Officer, Sergeant Osborne and his assistant, were they responsible for taking these tapes backwards and forwards to E.M.I. to be examined? - A. Yes, they were.

/were

Mr. Lambert

Q. And at this time, sir, can you recall where the tapes were being kept for safekeeping? - A. No I cannot.
in fact

Q. And would it be true to say, sir, that eventually you received a report from E.M.I. which cast doubt upon the

JUDGE STROYAN: No.

Mr Rivlin: Your Honour, not only is that inadmissible, that interjection, but it is hopelessly false. And Your Honour, if the defendant disagrees with that he can call anybody he wishes from E.M.I., but he knows what that person said to Your Honour in the trial within a trial.

JUDGE STROYAN: Yes.

Mr. Rivlin: And I really cannot have the jury being misled in this way.

JUDGE STROYAN: You heard that, Mr. Symonds. What you suggested was quite contrary to the evidence I heard earlier on. You must not put those sort of things. I warn you time and again. You are creating, I hope it's not deliberately, but you are in train of creating a wholly false impression and

MR. Symonds: The jury will see for themselves in good time, Your Honour.

JUDGE STROYAN: Yes, they will.

Mr Symonds: They can make their own minds up, I suggest.

JUDGE STROYAN: No, you will not make suggestions like that.

Mr. Symonds: After these taperecordings had been examined at E.M.I. did you receive a report from E.M.I. in respect of the matters you had asked them to investigate? - A. I think so. If there was one then it must be available.

Q. Perhaps you could look at this report now, sir.

JUDGE STROYAN: Now, what is this?

Mr Symonds: This is a report submitted by E.M.I. after examining the tapes.

JUDGE STROYAN: From whom?

Mr Symonds: From Mr. Taylor to Mr. Lambert.

JUDGE STROYAN: Mr. Taylor is a witness, is he not?

Mr Symonds: Yes.

JUDGE STROYAN: Yes. Well then you are not to put passages from the report to this witness in this way. You can ask Mr. Taylor what he found and not what he said to someone else on a different occasion.

Mr Symonds: Well, in view of what's been said now, would you agree that Mr Taylor's report was satisfactory?

JUDGE STROYAN: No, you can't ask him that.

Mr. Symonds: Well, alright then.

JUDGE STROYAN: It's wholly improper. Mr Taylor will be a witness. Mr. Taylor will tell the jury what he found.

Mr. Symonds: Alright, I'll try another way. As a result of reading this report did you decide that you would have to submit them to somebody else? - A. No, I didn't.

Q. Did some other person?

JUDGE STROYAN: No. Now, this report and you are trying to get things in by the back door which are not permissible by the front. You have heard Mr. Taylor is a witness. You know he is a witness. I expect he is one of your witnesses. He can tell the jury, if necessary, what he saw and found. But we are not going to pursue it through another witness, in whose mouth it would be hearsay.

Mr. Symonds: Apart from the scientific continuity, if you like, of the taperecordings, did you also investigate, sir, the continuity of the handling of these taperecordings? By that I mean from the time they were made until the time you took possession of them? - A. We endeavoured to ensure that the tapes used by TheTimes newspapers had A, been used correctly, and B, that they had been kept and not interfered with before they came into the possession of the Police.

Q. And to this end, did you cause your investigating Officers to take statements from all persons who had anything to do with them, had handled them or looked after them before they came into the Police possession? - A. Yes, I did.

Q. Well, I am going to ask another question now, Your Honour. I think you will stop me. But I want to get out whether or not Mr. Lambert was satisfied with the results of the enquiries that were made in connection with the continuity of handling.

JUDGE STROYAN: No. I have told you many many times that you must ask the people who did what they did about it and you cannot get it out second-hand and as a matter of hearsay from some other witness. We have heard a number of witnesses. You have asked them an enormous number of questions and that is where the matter lies. The question of whether what happened.

Mr. Symonds: Well, the thing is you see,

JUDGE STROYAN: The question of whether ...

Mr. Symonds: Mr Lambert was the Officer in charge.

JUDGE STROYAN: I dare say he was.

/was

Mr Lambert

Mr. Symonds: He was the man sitting at the very top, who

JUDGE STROYAN: Mr Symonds, listen to me.

Mr Symonds: Collated everything and decided what was to be done next.

JUDGE STROYAN: Mr. Lambert is not going to decide this case. The jury are. His views about satisfactoriness or otherwise of what happened is of no concern of anybody's. It is the jury who are going to decide this case and not Mr Lambert. If you think things are unsatisfactory then you can say so in your speech to the jury, but it is quite wrong to ask a witness about it.

Mr. Symonds: Mr Lambert, did you yourself find at least one taperecording to be unsatisfactory in view of its content? -
A. Yes.

Q. And may I say in view of its alleged history that it had been a new tape?

JUDGE STROYAN: He has said he found it to be unsatisfactory and that's it.

Mr. Symonds: When taking the statement from Mr. Perry, did you - could you say that Mr Perry was being given advice by the solicitors from The Times during the time he was making the statement? - A. No, I would have said not. He wasn't given advice. He was - I think mainly they were there to protect possibly their own interests rather than to give advice to Perry. The statement was taken in the normal way that you must know any statement would be taken from a complainant, with the exception that in this case it was taken in the presence of The Times solicitors. And I wouldn't have allowed them to dictate that statement, if that's what the implication is.

Q. And when investigating the continuity of handling, did you find serious breaks? - A. Sorry, I am not with you.

JUDGE STROYAN: Are you going to be calling evidence about this?

Mr Symonds: Yes.

JUDGE STROYAN: Yes. Well then the proper person to deal with it is the person who found the breaks, and can tell the jury about it.

Mr Symonds: In the continuity of handling, Your Honour. Not the scientific continuity.

JUDGE STROYAN: You asked about

Mr. Symonds: I am referring to being left on desks overnight etcetera.

JUDGE STROYAN: Well, you can certainly ask him that. The question is, as you put it, refers to what was on the tapes.

A Mr. Symonds: In respect of the continuity of handling, Mr. Lambert, did you find that there were breaks as to the security of the tapes? - A. Quite honestly, Your Honour, I can't remember. I didn't take the statements respecting the continuity of the tapes. Statements were taken, and by whom I also cannot remember, but whoever took those statements it must be on paper their findings, but I cannot remember. I cannot remember in fact who took those statements.

B JUDGE STROYAN: Nobody can blame you for that.

Mr. Symonds: And when taking statements from the reporters, did the question of agent provocateurism on their part cross your mind? - A. You are asking an opinion. I can give an opinion, but whether an opinion is - no, it didn't. But it did some other senior officers but it never did cross my mind because I didn't think it ever existed.

C Q. By other senior officers are you referring to the Assistant Commissioner at that time, Mr. Brody? - A. That is correct.

Q. In fact, was it the opinion of Mr. Brody?

JUDGE STROYAN: No, no, no, no.

D Mr. Symonds: Right. Were you present when Mr. Brody suggested that the reporters should be charged?

JUDGE STROYAN: No, no, no..

Mr. Rivlin: Your Honour, this is getting so outrageous now, and may I say that I haven't intervened for days.

E JUDGE STROYAN: I know.

F Mr. Rivlin: As a result of the defendant's outburst last week. But it is getting so outrageous now that I have reached the point where I feel inclined to ask Your Honour to vet questions in the absence of the jury before they are asked. It is absolutely impossible that this defendant, who has been given dozens and dozens of warnings, persists despite those warnings in coming out with this sort of thing, and there can be only one possible object in his mind in doing so. If we behaved in that way, or even if we were seen to scratch at the surface of behaving in that way, our position would be wholly impossible.

JUDGE STROYAN: I wouldn't trouble you for the moment.

G Mr. Rivlin: Your Honour, I suggest, if I may say so, if the defendant has got any more of those type of questions in his mind we might have the jury out of the room and they can be vetted by Your Honour before all the damage is done over and over and over again. Your Honour, I don't hesitate to say this. This sort of thing is quite simply, we would submit, dishonest to conduct a case in this way. The defendant may not care about.....

Mr. Symonds: I would suggest that this is an official cover up and every time I get near a sore point we get the same old complaints.

JUDGE STROYAN: Mr. Symonds, we have heard this a number of times from you and you have talked about cover ups time and time again. What I am not going to have you doing, and I have warned you about it more times than I can now remember, is to come out with these wild allegations which you know are hopelessly unsubstantiatable and allegations which only come out with the object of prejudicing the jury by letting them know things which you are suggesting in the minds of other people with no, so far as I can tell, possible justification.

Mr. Symonds: Your Honour, if this officer was present at the meeting at the Director of Public Prosecutions Office when this suggestion was made I would submit that he is entitled ...

JUDGE STROYAN: No, it is not.

Mr. Symonds: It is entitled to be brought out, because it is very important for the jury to see the whole picture.

JUDGE STROYAN: No.

Mr. Rivlin: Well, Your Honour, my interjection was well justified and I would respectfully suggest, if I may, that the jury be asked to leave.

JUDGE STROYAN: Yes.

Mr. Rivlin: And the defendant be asked by Your Honour, if you think it appropriate, whether he has any further statements of a similar kind that he has it in mind to make and they can be vetted.

JUDGE STROYAN: Yes.

Mr. Rivlin: And then if he disobeys Your Honour's orders he will do so at his peril.

Mr. Symonds: Well, I suggest you either tie a gag on me or sentence me for contempt now, because I am determined to get to the truth of this matter.

JUDGE STROYAN: Members of the Jury, would you mind leaving the court for a short time.

(The Jury leave the Court)

JUDGE STROYAN: Now, Mr. Symonds, I have already warned you more times than I care to remember that you are not to put allegations of this kind. They are intended, it seems to me, simply to create prejudice in the minds of the jury. They are hopelessly inadmissible. You are not entitled to pluck out of the air allegations about what other witnesses may have said under other circumstances and try to put them into the mouth of a witness who can, by no stretch of imagination, possibly give sensible evidence about them. It is wholly unfair and it is

/is

Mr. Lambert

A wholly misleading and I am not going to have it. Now, if you have got any more questions of that sort then you will write them down and I shall rule upon them before you ask them. Are there any more questions of that sort?

Mr. Symonds: What do you mean by that sort, Your Honour, because this is the truth. I say we have asked to call Mr Brody. We have submitted his name as a witness.

B JUDGE STROYAN: I know nothing of that, and so far as I can tell.;

Mr. Symonds: Well, there is my solicitor sitting there with a list of names of people we wish to call. The Prosecution have had a copy of the list. It is a fact. This happened, and it is important to the case.

C JUDGE STROYAN: Whatever view any other Police Officer took in any other place is quite irrelevant to the issues which the jury have got to decide and I am not going to let you hawk it around the court.

D Mr. Symonds: Well, I am going to ask lots of questions about Mr. Moody and corruption of senior officers and how this gentleman here was worked off the squad because he happened to be an honest officer and I am going to put a lot of questions along those lines.

JUDGE STROYAN: Well then you had better write them out.

E Mr. Symonds: And no, well, can you do that, sir? Can you make me write down my questions first? You will only say no to all of them anyway because nearly all the questions I am going to ask this gentleman come under the umbrella of what you say I am not allowed to ask, which I say is a cover up.

JUDGE STROYAN: You may say what you like. I am bound by the rules of law and I am not going to have questions of that sort put. Now you understand that? You may ask

F Mr. Symonds: Well what you are doing you are putting the lid on saying anything about this enquiry and everything that went on.

G JUDGE STROYAN: You may ask this witness questions which are relevant to the issues of the three counts which lie against you. This witness is not on trial before the jury, nor is any other Police Officer on trial before the jury. Their views do not matter. What counts and the only thing that counts is the view which the jury form on the admissible evidence from the relevant facts of this case. I am not having you using this court as a vehicle for making a lot of wild and scandalous allegations which are wholly inadmissible.

Mr. Symonds: They may well be scandalous, Your Honour, but they are certainly not wild. I hope to be able to back every one of them up to the hilt.

H JUDGE STROYAN: It would be quite inadmissible.

A Mr. Symonds: I have put in a list of a hundred odd Police Officers I wish to call and that's been stopped. I'm not allowed to call hardly any defence witnesses I know, but if I was allowed to call the defence witnesses I wanted to I feel sure that I could back up everything that I say.

B JUDGE STROYAN: Mr. Symonds, the evidence which you call will be evidence which is relevant to the issues in the case, not evidence which may have anything to do with your views about other Police Officers in different matters. If I were to allow you to do that this case would never end and a lot of wholly irrelevant mud would be thrown and I am not going to have that. This court is here and this jury are here to try you on those three counts and not anything else. They are not concerned with your views or anybody else's views about the behaviour of other police officers on other occasions and I am not going to have this court used as a vehicle for throwing around wild, scandalous and quite unsubstantiatable allegations of that sort. You will not be permitted to call evidence to show that other officers may have been guilty of any other acts that you care to describe on other occasions. Your evidence will be limited to the issues which the jury have to decide as is the evidence of any other defendant in any other case. Now, I am not going to allow you to cross-examine on the basis you have been trying to cross-examine the last few questions. It is not relevant. It is not admissible. You can ask this witness what he said and did in relation to the matters which are in issue before this court.

D Mr Symonds: And what about the circumstances under which this witness was taken off the enquiry, Your Honour? May I ask about that?

E JUDGE STROYAN: This witness has not given any evidence in this case which you appear to have challenged when he was giving his evidence in chief. It is not relevant, therefore, so far as cross-examining as to credit is concerned. So far as I can see, the circumstances under which this witness has ceased to take part in this case are quite irrelevant to the issues the jury have got to decide. His evidence here is limited to a very small compass.

F Mr Symonds: The situation, Your Honour, is that Mr Moody got himself onto this enquiry in order to protect himself in respect of having his mass of corruption found out.

JUDGE STROYAN: We are not concerned with Mr Moody.

G Mr Symonds: Well, the whole case against me has been concocted by Mr. Moody. He is responsible for everything.

H JUDGE STROYAN: You have already had an opportunity of cross-examining Mr. Moody. I am not going to permit you to use this witness as a vehicle for making further allegations against Mr Moody. You have had your opportunity with Mr. Moody and that is the end of it so far as he is concerned.

/concerned

Mr Lambert

A Mr Symonds: I made allegations to Mr Moody which Mr Moody denied and I suggest that if I can in some way substantiate some or part of those allegations through another witness I think I should be allowed to.

JUDGE STROYAN: What allegations have you in mind?

Mr Symonds: Mr Moody's corruption.

B JUDGE STROYAN: That is not a matter which is before this jury. Mr Moody has

Mr. Symonds: And the fact that he concocted this case in exchange for a bribe.

JUDGE STROYAN: Mr. Moody has not given

? **C** Mr. Symonds: From Lord Thompson.

Mr. Rivlin: Well, Your Honour, I have no objection to the defendant asking this witness if, to his knowledge, Mr. Moody behaved improperly in relation to this case. That is, these tapes or any evidence in this case.

D Mr. Symonds: Well obviously not, otherwise Mr Moody would have been

Mr Rivlin: Just a minute.

Mr Symonds: ... arrested years before hand.

Mr. Rivlin: Your Honour.

E Mr. Symonds: This gentleman would have arrested him straightaway if he had known that Mr Moody was fiddling with the tapes. That would be a ridiculous question to ask.

Mr. Rivlin: Your Honour, that would be a matter that would go to this case.

F JUDGE STROYAN: Yes. If the suggestion is that this witness was either tampering with the tapes himself or was aware that Mr Moody was

Mr Rivlin: Or was aware that

G Mr. Symonds: I make no allegation whatsoever against this witness. He is a totally honest man, and my grief is that he didn't stay on this investigation and carry it all the way through. That's my grief, that he was taken off and a corrupt officer came on to cook up everything in an effort to ensure a conviction with a bribe.

JUDGE STROYAN: Well, you can ask this witness whether so far as he knew Mr Moody was corrupt in relation to this case and that is the end of that.

H Mr. Symonds: And obviously he will say no.

/no

Mr. Lambert

JUDGE STROYAN: Well, we shall see.

A Mr. Symonds: Because Mr. Moody's corruption didn't become obvious and known and clear to everybody until some years later.

JUDGE STROYAN: Mr. Moody was in the witness box and you had a very full opportunity of cross-examining him, to which you took advantage. I don't think I can take the matter any further. You must know, Mr. Symonds, perfectly well, what my rulings amount to.

B Mr. Symonds: Well, it amounts to a gag. That's about what it amounts to, Your Honour, and I don't see that there is much else I can now ask this witness.

JUDGE STROYAN: Let the Jury return.

(The Jury return to the Court)

C Mr. Symonds: Mr. Lambert, in respect of the money angle, did you go to Nuneaton at the beginning of the enquiry to make investigations? - A. I did, yes.

D Q. And in view of the allegation made by Mr. Perry originally, would it have appeared to you that quite possibly a Nuneaton Officer must have been involved if the allegation be true? - A. Your Honour, this is purely opinion that I am being asked. I don't mind answering it, but it is purely opinion that I am being asked.

E JUDGE STROYAN: Well, I don't think it is wise or right to ask you your opinion under those circumstances. - A. Then I will say that without any doubt I believed then, and in fact I still believe, that there must have been some collusion between Nuneaton Officers and Officers in London if Perry's statement is to be believed as true.

JUDGE STROYAN: Statement about what? - A. About what happened over his arrest for the offence in Nuneaton.

F Q. Yes? - A. His detention at Camberwell Police Station and his being conveyed to Nuneaton.

Q. Yes, very well.

Mr. Symonds: And with that in mind, when you went to Nuneaton did you question a number of Nuneaton Officers? - A. Yes, I did.

G Q. And did you find, on your arrival, that they had recently made an allegation to their senior Officer about Metropolitan Police?

JUDGE STROYAN: Well, this is again ... - A. I would like to be very precise about this. I think it was - I think it was

H Mr. Symonds: Was it made after your visit? - A. I think it was after my visit. I don't want to mislead anybody or mislead the court. An allegation was made by the Nuneaton Officers to their senior Officer.

JUDGE STROYAN: Well, we must leave it at that.

A Mr Symonds: And I believe this was December time that this allegation was made? - A. Well, this was at the time or just after my taking statements at Nuneaton, and when that was I can't remember. I would have thought it might have been December. I would have thought possibly early January, but I might be wrong.

B Q. And to your mind, if such an allegation was to be made, should it have been made some months previously?

JUDGE STROYAN: No, that won't do.

Mr Symonds: The point I am making, Your Honour, is they were making ~~an~~ allegations about three months late.

C JUDGE STROYAN: It is not a point you can properly make with this witness.

D Mr Symonds: Did you make enquiries to find if an allegation had been made nearer to the time of the alleged offence? - A. As far as I know now and as far as I knew at the time no allegation had been made by Nuneaton Officers respecting the conduct of Metropolitan Officers until either just before or at the time or just after I went to Nuneaton, whenever date that was.

Q. Thank you. - A. That date can be ascertained from James' statement, presumably, because he was one of the Officers that I interviewed.

Q. And the complaint made, does that include a complaint against

E JUDGE STROYAN: No. No, I am not having complaints made by other people. You understand this now as well as anybody else does.

Mr Symonds: Did you eventually come to suspect one particular Nuneaton Officer? - A. No.

F Q. Now, after some months, sir, you left this enquiry, is that right? - A. That is correct.

Q. Would it be true to say that you left as a result of pressure from certain Officers ~~from~~ some form of internal dispute? - A. ~~Mr~~, disagreements with the way the investigation was being carried out, which was obviously contrary to the ...

G JUDGE STROYAN: No. No. You said you left as a result of a disagreement. I think it had better be left at that.

Mr Symonds: And were you replaced by Chief Superintendent Moody as appointed investigating Officer? - A. Er, yes, Moody was brought on to the enquiry possibly a fortnight after the enquiry started, and when I left he took charge of it, yes.

H Q. And as far as you are concerned, Mr. Lambert, could Mr. Moody have acted in any way improperly in connection with this case?

JUDGE STROYAN: I think the question is not could he but did he.

Mr Symonds: Well, if he had known it he would have done something about it, wouldn't he? Could he? He knows in view of Mr. Moody's subsequent queries. - A. Your Honour I am being put under great difficulty, and.....

JUDGE STROYAN: Well, - A. It's

Q. I don't think ... - A. It's very very difficult, and it's not

Q. I don't think it would be right to and fair to ask you to answer that question under those circumstances. It is known to this court that Mr. Moody has been convicted and is now serving a substantial sentence of imprisonment for conspiracy and for corruption. And the jury will no doubt bear that in mind in so far as it is relevant.

Mr. Symonds: And Mr. Lambert, would it be right to say that Mr Moody took the responsibility for making the transcripts of the taperecordings? - A. No, I don't think that is right. I think that if one was to look, and of course I haven't compared them, but at the time that the tapes were handed to me on that Friday night on I think the 28th or the 29th November, at the time the tapes were handed to me, i.e. the copy tapes, transcripts from those tapes were also handed to me.

JUDGE STROYAN: From The Times? - A. From The Times. But of course they had made their own transcripts.

Q. Yes. - A. Now, they were not correct in minute detail, because I don't think they had the equipment available.

Q. No. Well, I don't think you need ... - A. But if they could be compared, one could see that in basic facts, I presume

Q. I don't think ... - A. ... the statements are exactly the same.

Q. I don't think, Mr Lambert, you need trouble with that. The jury have got those transcripts. They have got further transcripts and it is not the transcripts because evidence of course is what is said on the tapes, and I don't think we need bother with that.

Mr Symonds: No more questions, Your Honour.

Re-examined by Mr. Rivlin

Q. Mr Lambert, when the tapes first came into the possession of the Police did you listen to them? - A. No I didn't, not on that. There were I think something like, with respect, possibly twenty hours playing time of the tapes, if I remember.

Q. Yes. - A. Fifteen hours maybe.

Q. Well, did you ever listen to the tapes? - A. Oh yes, I listened to them all.

A Q. You have listened to them all? - A. From time to time. In fact I visited - I wasn't at E.M.I. all the time, but I visited E.M.I. from time to time and listened to parts of the tapes there.

Q. Did you listen to the tapes once or more than once? - A. Several times.

B Q. Several times. Now, Your Honour, at the moment the atmosphere in this court is heavily laden with inuendo and suspicion and in my submission the only way in which this matter can properly be resolved, and it need not be done in court in the presence of the jury if you think otherwise, is for this witness to listen to the taperecordings in this case and for me to ask him whether the tapes that we hear now are any different from those that he listened to then.

C Mr Symonds: How can he say that after twelve years, Your Honour? It's ridiculous twelve years later to listen to taperecordings and say they are the same. If one or two words have been changed how would you expect anybody to know? - A. Your Honour, if I could have the - Sorry.

JUDGE STROYAN: Yes.

D Mr Rivlin: Your Honour, the position at the moment is that an allegation is being made against Mr. Moody through this witness.

JUDGE STROYAN: Which wasn't made to Mr. Moody.

Mr Rivlin: Well, Your Honour, with respect, it was put to Mr Moody that he had concocted evidence and tampered with tapes.

JUDGE STROYAN: Yes.

E Mr. Rivlin: Although no apecific allegation was put to him ..

JUDGE STROYAN: Well, that's what I meant.

F Mr Rivlin: As to precisely what he had done. Your Honour, it is moreover the case that this witness has been asked to express his opinion despite all of Your Honour's rulings. This witness has been asked to express his opinion about other Officers, and ofcourse in the end he said well it's very difficult to answer that question.

JUDGE STROYAN: Yes.

G Mr Rivlin: Leaving over this court just that cloud of suspicion and inuendo that in my submission the defendant is striving for. Now, it is my duty, if I can properly do it, to establish whether there is any truth in what the defendant is putting. And given that he has chosen to do it in this way, in my submission the most appropriate way for me to deal with re-examination of this witness, he after all having been a senior Officer at the time, is to say would you please go away and listen to these or stay here and listen to the original tapes and express a view.

H

/view

Mr. Lambert

JUDGE STROYAN: As to whether they are the same as he heard at the time?

Mr. Rivlin: Your Honour, yes.

JUDGE STROYAN: Yes. Yes, well, I think in the rather unusual circumstances you are entitled to do that.

Mr. Rivlin: Well, Your Honour, I don't for my part see how there is any alternative.

JUDGE STROYAN: No.

Mr. Rivlin: Your Honour, it is this utterly impossible situation that we are in with the defendant asking this type of question which he knows the witness can't answer. And so, if he knows that the witness is not allowed to answer it, the result in the jury's mind is likely to be one of cynical amusement; what on earth is going on here, he is asking all these questions and the witness isn't allowed to answer. Although the defendant knows that if I had asked any witness what they felt about the defendant I would be stopped immediately.

JUDGE STROYAN: Yes.

Mr. Rivlin: It would be quite improper to do such a thing.

JUDGE STROYAN: Yes.

Mr. Rivlin: But he goes ahead and does it in this way. And in those circumstances, and after all the jury are the ones who have got to decide this case not on clouds of suspicion left hanging in the air but upon hard evidence, in those circumstances I don't see what alternative I have got but to say to Your Honour Here's the officer who is the senior Officer. He listened to the tapes more than once. He went along indeed to N.M.I.. Let him listen to them now and express a view as to whether in his judgment the tapes, the content of the tapes now is any different from what it was then.

JUDGE STROYAN: Yes.

Mr. Symonds: Your Honour, I should be allowed to ask further questions if that happens, because it is something quite new, and my question I will say now to Mr Lambert.

JUDGE STROYAN: The tapes ...

Mr. Symonds: If one or ~~two~~ words have been changed in the middle of all these words could you swear on ...

JUDGE STROYAN: The tapes are not new.

Mr. Symonds: your life that you, and of course you can't. So it's a waste of time making him listen to twenty hours of music and newspaper rustling. It's ridiculous.

A JUDGE STROYAN: Members of the Jury, you have been subjected, contrary to my rulings, to what you may think are rather nasty attempts to smear people who are not before you and do so improperly by trying to get answers out of witnesses about things of which they cannot themselves speak. The rules of evidence are designed to be fair, not only to accused people but also to the Crown who are representing the public, and equally importantly, if not more importantly, to witnesses and people who are not witnesses. And it is quite wrong that allegations which cannot be proved in a case should be made against people who are not in a position to answer them. One of the reasons they are not in a position to answer them is that a number of these allegations or smears, call them what you like, are not anything to do with the issues in the case which relate to the three counts on the indictment. What has happened is that the defendant, as you have heard, in defiance of what I have ruled, has been floating these suggestions about people not before the court, not able to defend themselves and whose part in these affairs is really nothing to do with the matters which are before you. It is most unfortunate that you have heard that but I am sure your sense of common fairness will enable you to look beyond what the defendant has been doing in making these smearing attacks, look at the real facts of the case and not to allow yourselves to be diverted by these attacks on people who, as I say, are not able to defend themselves. The rules of evidence, as I have said, are designed to be fair, not only to accused persons but also to the Crown, to witnesses and to people who are not here to defend themselves. You, I am sure, will bear that in mind and the sort of allegations which have been made about other people who are not able to defend themselves should be treated with the contempt they deserve. In the light of what has happened I am going to allow Mr. Rivlin to play the taperecordings again to this witness. Whether he wants to do so in your presence or not I do not know.

Mr. Rivlin: Your Honour, there is no need. I reckon, Your Honour, that the length of the taperecordings, and I am talking here about tapes numbers 1, 2, 5 and 14.

JUDGE STROYAN: Yes.

Mr. Rivlin: The clearest ones. The length of time that it would take them to play this witness would be just about half an hour.

JUDGE STROYAN: Yes.

G Mr. Rivlin: And I don't ask that it should be done in the presence of the jury unless the defendant wishes it to be done in the presence of the jury. What I would respectfully suggest is that this witness is supplied not with Mr. Penna and Mr. Ely's transcript, because there would no doubt be objection to that, but with the Police transcripts, and let him listen to the tapes and tell us whether in his judgment these tapes are any different now than they were when he last heard them.

H JUDGE STROYAN: Yes.

/Yes

Mr Lambert

Mr Symonds: Am I allowed to say a word, Your Honour?

A JUDGE STROYAN: Not now. You have been saying a lot of words. No more now.

B Mr Symonds: I'm not allowed - it's just a two-way conversation, is it? You and the Prosecution Counsel. Surely I should be allowed to say a word about all these smears and what not. I would like to point out that all these smears refer to one man, Detective Chief Superintendent Moody, who has been before the court and I have put the allegations to him and he is now serving eighteen years imprisonment in total, and I would like to know what all the fuss is about because I accused Mr. Moody of something.

JUDGE STROYAN: Now, we will get on with this case.

C Mr Symonds: But you were talking as if I am smearing everybody in the world.

JUDGE STROYAN: Now then, are we going to play these tapes in the presence or in the absence of the jury?

Mr Rivlin: I am happy to comply with the views of the defendant.

D JUDGE STROYAN: If not I can send them away.

Mr Rivlin: Your Honour, yes. I think that you would like to get away today, wouldn't you, Mr. Lambert? Oh, it's alright. Very well. In the absence of the jury, I am told.

E JUDGE STROYAN: In the absence of the jury. Very well, Members of the Jury. That concludes your activities for today. Would you be kind enough please to be back in court at the usual time tomorrow morning when we will continue with the hearing of this case.

(The Jury leave the Court)

Mr Lambert: Your Honour, if I am to listen to these tapes could I please have the original transcripts that The Times handed to me together with the transcripts that the Police made?

F JUDGE STROYAN: Yes. - A. Because they were basically the same apart from ..

Q. Yes, certainly. - A. Apart from one or two words that were difficult to understand, but after long playing they were deciphered ..

G Q. Yes, certainly.

Mr Rivlin: Your Honour, yes. The position of course is that Mr Penna and Mr. Ely's transcript contains even more words than the Police transcript.

JUDGE STROYAN: Yes.

H Mr Rivlin: And this witness may not have known that in fact garbled conversations have been deciphered.

JUDGE STROYAN: Yes.

Mr Rivlin: And that's another matter. - A. Your Honour, I can only speak and listen to what The Times gave me and the transcripts that we made, i.e. the Police.

JUDGE STROYAN: Yes. - A. I appreciate that the more modern equipment one uses the more one possibly can get out of a tape. There were long passages which were virtually undecipherable. Although the Times reporters couldn't decipher them, ...

Mr Rivlin: Yes. - A. But with better equipment that we had avowed to us we could decipher more of it.

JUDGE STROYAN: Well, it is the tapes that are the evidence, of course, and not the transcripts, and if you want to follow them on the Police transcript it is 35B.

Mr Rivlin: We will supply the witness with 35A, The Times transcript, and also 35B.

JUDGE STROYAN: Yes.

Mr Rivlin: And Your Honour, may I say, and I hope that this may assist you personally, that I am quite content to remain in court and I know that Mr. Green would remain in court, and if Your Honour wished to be spared listening to the tapes yet again at this stage we could rise - Your Honour could rise now and we could carry on with the job of listening to them in silence I hope.

JUDGE STROYAN: I think I had probably better stay.

Mr. Symonds: Your Honour, may I ask that tape five be played past the break? It follows just after the conversation.

Mr Rivlin: If Your Honour pleases. Could you please play tape one.

JUDGE STROYAN: Now, Mr. Lambert, would you like to sit down.

(Tape one played)

(Exhibit two, Tape five played)

Mr. Rivlin: Tape fourteen now, and that is at page 42 of the Police transcript.

JUDGE STROYAN: I don't know if the witness is aware that the last part of the tape is not relevant to the present enquiry.

Mr. Rivlin: Yes, well Your Honour I haven't said anything to him.

JUDGE STROYAN: Yes. Well, the evidence

Mr Rivlin: Did you hear that, Mr. Lambert? - A. No, I didn't. Sorry.

/didn't. Sorry

Mr Lambert

JUDGE STROYAN: The last part of that recording, if you look at page 18, page 18 of the Police transcript. Have you got that? From number six, do you see where it says "male". Do you see that? Looking at page 18.

Mr. Rivlin: Do you have page 18? - A. I have got page 18, yes.

Q. Number six. "Male; Let's put it in this car, shall we?" - A. Are we looking at page 18 of the Police transcripts? I am looking at page 18 of the ...

Q. No. Page 18 of the Police transcripts. - A. Sorry. Yes, I'm with you.

Q. From number six onwards. His Honour was just pointing out that it is accepted that that has got nothing to do with Symonds. - A. That is true.

Q. Yes, you know that? - A. Yes.

JUDGE STROYAN: Yes.

Mr Rivlin: Yes. And now we are on to page 42. Your Honour, while the tape is being put on, may I tell Your Honour this; that in answer to this defendant this witness said that there was a disagreement with the way in which the investigation was being carried out.

JUDGE STROYAN: Yes.

Mr Rivlin: And that was a matter that was left hanging in the air.

JUDGE STROYAN: Yes.

Mr Rivlin: And it would be my application to Your Honour in the absence of the jury, which is obviously the appropriate time to do this, to ask the witness whether he means to suggest by that that he felt that anyone was tampering with the evidence.

JUDGE STROYAN: Yes.

Mr Rivlin: That's just the sort of thing that's been left hanging in the air that worries me, Your Honour.

JUDGE STROYAN: Yes. Well, that's a perfectly proper question in re-examination.

Mr. Rivlin: Yes. And I would respectfully ask that the witness might answer that question in the absence of the jury so that we can see whether we will get an admissible answer or an inadmissible answer.

JUDGE STROYAN: Yes. I think we can do that when the tapes have been heard.

Mr. Rivlin: Yes.

/Yes

Mr Lambert

(Tape played)

Mr Rivlin: Yes, Mr. Lambert, could you come back into the witness box please. Your Honour, might I ask him that question?

JUDGE STROYAN: Yes, and we will see if the answer is admissible before the jury.

Mr. Rivlin: Yes.

Q. You told His Honour and the jury that there were some disagreements between you and other Officers or another Officer about the way in which the investigation was being carried out.
- A. Yes. My Lord, Your Honour, the

JUDGE STROYAN: Just a moment.

Mr Rivlin: Just a moment.

JUDGE STROYAN: Just a moment. Mr Rivlin is going to ask you a question.

Mr. Rivlin: I am going to ask you a question now. I don't want a wideranging answer. I just want to ask you a question. Did that disagreement have anything to do whatsoever with the improper tampering or rigging of evidence? - A. No, it had nothing to do with the evidence in this or in any of the cases under investigation at that time.

Q. It had nothing to do with the evidence in this case or any other case at that time. And then I am not going to ask you what it was about, do you understand, Mr Lambert? - A. I appreciate that.

Q. Yes. Well, Your Honour, I shall certainly apply to re-examine on that matter tomorrow.

JUDGE STROYAN: Yes. Well.

Mr Rivlin: And I don't think it would be proper for me to ask this witness any more questions in the absence of the jury.

JUDGE STROYAN: No. Very well. It is very important, Mr. Lambert, of course, not to discuss this case in any way or your evidence during the adjournment. I am afraid you will have to come back tomorrow morning.

Now, is there any matter about the evidence which I can deal with briefly now?

Mr. Rivlin: Well, Your Honour, I don't think that I am able to answer that.

JUDGE STROYAN: Who else are you going to call?

Mr. Rivlin: Your Honour, we are going to call Mr. Hide.

JUDGE STROYAN: Yes.

Mr. Rivlin: And Your Honour, he shall not be long in chief because I am not going to spend a lot of time proving a negative.

JUDGE STROYAN: No.

Mr Rivlin: Mr Hide, Mr. Penna and Mr. Ely.

JUDGE STROYAN: Yes.

Mr. Rivlin: And those are our remaining witnesses.

JUDGE STROYAN: O Keefe?

Mr Rivlin: Oh no, Your Honour, we are not calling him. We have notified the Defence at the outset of this trial that we would not be calling him.

JUDGE STROYAN: Yes.

Mr. Rivlin: He is not required by the Defence.

JUDGE STROYAN: Yes, very well.

Mr. Rivlin: So we have just three more witnesses to go when Mr. Lambert is finished.

JUDGE STROYAN: Yes. Thank you, Mr Lambert. You may withdraw until tomorrow morning. Now then, it looks as if we could get to the Defence case tomorrow, Mr Symonds. Now, what about witnesses?

Mr. Rivlin: Your Honour, I think that the defendant would prefer it if I was not present whilst he was discussing his own case.

JUDGE STROYAN: Yes, very well.

Mr Rivlin: Your Honour, it may be of some assistance to you to know that we have agreed a number of statements which have been put to us by way of admitted evidence.

JUDGE STROYAN: Yes.

Mr Rivlin: Your Honour, we have agreed some of them on the basis that they are relevant and that they are agreed evidence and a number of them on the basis that we are content that the defendant should read them to the jury if he wishes to, but we are making no admissions as to their relevance.

JUDGE STROYAN: And they are agreed in the sense that the evidence is not disputed?

Mr. Rivlin: The evidence is not disputed and I shall not object if he wishes to read these statements to the jury, but as I have pointed out to his instructing solicitor I for my part find it difficult to see the relevance of some of them.

JUDGE STROYAN: Yes.

Mr Rivlin: But I have made it clear to the Defence that I am willing that those statements should be read if they wish to.

/to

Discussion

A JUDGE STROYAN: Yes. Well now, what about - I have just been handed a list. I think some of these witnesses there is no difficulty about because I have already said that they can be called.

Mr. Rivlin: Well, Your Honour, I haven't seen that list and I don't think that I am supposed to see it at the moment.

JUDGE STROYAN: No.

B Mr. Rivlin: Or at any time indeed. It is nothing to do with me. And so I think, Your Honour, it would probably be best if I, with your leave, Mr Radcliffe and I absented ourselves at this moment.

JUDGE STROYAN: Yes, very well.

(The Prosecution leave the court at 5.03 p.m.)

C JUDGE STROYAN: Yes, Mr. Symonds. I have got a list here which sets out a number of witnesses which have asterisks against them.

Mr. Symonds: Yes.

D JUDGE STROYAN: Now, which are the ones that you want? You want to call all of those, do you?

Mr. Symonds: Yes, Your Honour.

JUDGE STROYAN: Well just tell me briefly what Jennifer Clements says?

E Mr. Symonds: Clements and Sheridan are to do with the fact that there was a larger number of tapes invoiced for than are before the court unaccounted for.

JUDGE STROYAN: Yes. Watson?

Mr. Symonds: Exactly the same thing, Your Honour. Location Sound Facilities, all these witnesses.

F JUDGE STROYAN: Hewson and Buchanan?

Mr. Symonds: Yes, Hewson was the storeman.

JUDGE STROYAN: Yes.

Mr. Symonds: Watson was the man who assisted Mr. Hawkey.

G JUDGE STROYAN: Yes.

Mr. Symonds: Mr. Hales is the Director of the company. And Buchanan was the man from E.M.I. who received a phone call from someone at L.S.F. asking him was it true that E.M.I. could in fact discover whether tapes were virgin or not, because he (inaudible) the copies.

H JUDGE STROYAN: Well, that's hearsay, isn't it?

Mr Symonds: Well, he's got the - He then reported this to the Police.

A JUDGE STROYAN: Still hearsay. He can say what he saw or did. He can't say what somebody else told him. What about Lawrence Duffy?

Mr Symonds: Duffy, you have his statement, sir.

JUDGE STROYAN: His evidence was read.

B Mr Symonds: Yes. His evidence would probably be similar to Mr. Price's, in as much as he was one of the Chief Inspectors engaged in taking statements and taking an active part on the enquiry.

C JUDGE STROYAN: Well, I don't think we need him, ^{Different} so far as Mr Price is concerned. Lawrence Duffy can't give evidence about what other people said to him, whether by way of a statement or whether by word of mouth. His evidence, a bit of his evidence which was read to me, or rather which I read on the voire dire, was I think culled from his evidence at the Old Bailey.

Mr Symonds: Yes, he was called at the Old Bailey as a witness.

D JUDGE STROYAN: Yes. Well, I think what I had better do is to say now that you can have Clements, Sheridan, Watson, Hewson and Buchanan..

Mr. Symonds: And Buchanan, sir?

E JUDGE STROYAN: And Buchanan. I'm not sure that Duffy is going to add anything to what you have already got. There is no point in duplicating the evidence of Mr. Price. Ann Dippy. She is concerned with (inaudible) isn't she?

Mr Symonds: Yes, you have her statement, sir.

JUDGE STROYAN: Yes. You can have her. And there was Miss Millard, who I don't see on that list, whom I think you may want to call.

F Mr Symonds: Yes, sir.

JUDGE STROYAN: And you can have her.

Mr Symonds: Did you say Hales, sir? Mr Hales?

JUDGE STROYAN: No, I haven't looked at his.

G Mr Symonds: He would support Miss Millard that there was copying done nightly on their return to the Location Sound Facilities to make copies on the same day they made the observation.

H JUDGE STROYAN: I have got a statement which has just been handed to me, in which he says it is nonsense to say that the tapes were edited or tampered with here. "I am sure they were not tampered with here." So you don't want to call that

/that

Discussion

evidence, do you? If your suggestion is that the tapes were tampered with, then you don't want to call someone who says that they weren't.

Mr. Symonds: That's the statement he made to my solicitor, isn't it, the one you are looking at now?

JUDGE STROYAN: Probably.

Mr. Symonds: Well, I gave my solicitor certain questions to put to Mr. Hales, and some of his answers are useful to me and some are not. I would probably avoid asking Mr. Hales or suggesting to him that he has knowledge of the tapes being edited on his premises.

JUDGE STROYAN: It's bound to come out in cross-examination.

Mr. Symonds: Yes, but the thing is there were ten cutting rooms, Your Honour, and a great number of staff and Mr. Hales is not really in a position ...

JUDGE STROYAN: I think you might not be at all well advised to call someone who is going to say it's nonsense to say that tapes were edited or tampered with here.

Mr. Symonds: Well, he was jumping to protect his company, sir.

JUDGE STROYAN: Well, I dare say he was, but it's not going to help your case, do you see? If your case is that the tapes were tampered with somewhere

Mr. Symonds: Well, no one is going to admit tampering with them. No one at all.

JUDGE STROYAN: I shouldn't have thought they were, but there's not much point in calling him to say that they weren't tampered with. It's making your case more difficult.

Mr. Symonds: I think that anybody who is asked that question, were the tapes to your knowledge tampered with, would probably say no whether they knew or not, but I think that Mr. Hales, a bit of evidence there which corroborates Miss Millard.

JUDGE STROYAN: Well, where's that?

Mr. Symonds: That the copies were made that night. On the statement to my solicitor. And that after the copies were made I believe that sometime the members of his staff ...

JUDGE STROYAN: Well, I can't ...

Mr. Symonds: Took the originals and copies to The Times.

JUDGE STROYAN: Well, I can't on the statements see anything here. There's nothing that I can see about copying each night. You want to be careful of calling witnesses who are going to hinder your case and not advance it.

Mr Symonds: Sir, I understand it could be on the first page, about two paragraphs down.

JUDGE STROYAN: About members of staff being - The second paragraph is about members of staff being sacked. Well, that's not relevant. The third paragraph says that "The Times reporters worked fast. They made copies at St. Peter's Square. Our staff helped them to make copies the same day".

Mr Symonds: The same day, yes. Those are the vital words, Your Honour. The same day.

JUDGE STROYAN: Just a moment. "In the evening the reporters took them away to The Times. We did not have them in our premises overnight."

Mr Symonds: Yes. That corroborates Miss Millard's evidence, that what the reporters did after making their taperecordings during a day they went along that night to Location Sound Facilities and copied them.

JUDGE STROYAN: Yes, very well.

Mr Symonds: But I think that they are obviously very reluctant to say that because that was the time when the opportunity for editing in the soundproof cutting room that night.

JUDGE STROYAN: Well, you may have Mr. Hales, but before you call him I think you ought to think with Mr. Green very carefully about whether it is really a good idea to call him. You may find he does you more harm than good. Now, I am not going to say you can have Duffy at the moment because I don't see that he is going to help one way or the other. So far as the other witnesses are concerned, I think you have already got these four experts. They will take up, I imagine, certainly most of the day between them. The witnesses you want to call are these whose names are on the list which has been handed up to me, are they? I will look at those overnight and see which ones I think relevant.

Mr Symonds: Very good, Your Honour.

JUDGE STROYAN: I think you have got enough now to keep you going.

Mr. Symonds: Yes, that will keep us going. Yes, there are some on there - there's another list, Your Honour, of witnesses for whom statements do not exist, because they are in the main Police Officers and it's not possible to take a statement from them without a senior Officer being present, which is exactly the same thing as taking a statement in the presence of the Prosecution, because the senior Officer makes a record of everything said and that's sent to the D.O.P.P.'s office.

JUDGE STROYAN: You have been given statements from a large number of Police Officers. Are there some others?

Mr Symonds: Yes, Your Honour, I believe there will be. For example, Mr Brody, who was the Assistant Commissioner at that

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time in charge of the C.I.D. He was the man who applied to charge the reporters to the Director of Public Prosecutions.

A JUDGE STROYAN: You certainly can't call him because he is nothing to do with your case.

B Mr Symonds: Well, he was the Assistant Commissioner at the time, who was the second in command of the whole Police Force as it were. He was the highest C.I.D. Officer and one or two other very top ranking C.I.D. Officers were of the opinion that the reporters should be charged with wasting Police time and they thought there was a conspiracy there as well, agent provocateurism.

JUDGE STROYAN: Well, their opinion, whatever it may have been, doesn't matter tuppence.

C Mr. Symonds: Well, what they did, Your Honour, they went to the Director of Public Prosecutions and made a report before him that the reporters should be charged, and I think that

JUDGE STROYAN: Well, the jury are not trying the reporters. They are trying you. The reporters have never been put on trial.

D Mr Symonds: But they were very close to it at one stage, Your Honour, and I think the fact that this happened and that Mr. Brody could be called to say this I think would be an important Defence point.

E JUDGE STROYAN: The rule of law is that you are bound by the answers of the witnesses. You cannot call other evidence when the matter goes only to credit in any event so far as I can tell. Whether the person concerned is Mr Brody or any other senior Officer he cannot give evidence, as I understand it, as to any of the matters with which you were charged. He wasn't present on the occasions of any of the alleged conversations. He wasn't present in either Nuneaton Police Station or Peckham or Camberwell Police Station, and I don't think he can give any relevant evidence. I am certainly not going to have any more public expense on something that's irrelevant.

F Mr Symonds: I think the relevance would be that when the senior Police Officers started to investigate the allegations made by the reporters they discovered so many serious discrepancies, in fact outright lies, that they started to think along these lines.

G JUDGE STROYAN: Well, the question as to whether the reporters were telling lies is for the jury and that's a matter for the jury to decide and not a matter to be decided by any Police Officers, however senior. No, you certainly can't have that.

H Mr. Symonds: As Your Honour pleases. Yes. One more I would like to mention, Your Honour. That's Mr Harley, who was the Detective Sergeant with me at the time and has been mentioned in evidence. I would like to subpoena him. He was the other Sergeant on duty at Camberwell the day that the Nuneaton officers arrived.

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JUDGE STROYAN: Well, what do you think he's going to say?

A Mr. Symonds: Well, he will support my version of events, Your Honour, I should hope. What happened and the fact that we were after Perry and his associates for some months before this happened. There was a dossier in existence. I had Perry's photograph copied and it was placed on the notice board in the Police Station.

B JUDGE STROYAN: Is there a statement from Harley in existence?

Mr. Symonds: Pardon, Your Honour?

JUDGE STROYAN: Is there a statement from him in existence?

C Mr. Symonds: Harley did make a statement and a questionnaire, but the Prosecution absolutely refuse to hand it over because - it's one of the ones they refuse so I don't know exactly what's in it, but maybe they would allow you to look at it.

JUDGE STROYAN: Well, I am not going to let you call him unless I know whether he is going to be helpful to you.

Mr. Symonds: Well, could you ask the Prosecution to allow you to look at Mr. Harley's statement?

D JUDGE STROYAN: I will see what the position is about his statement, but I am not going to have people coming up here when we haven't got a statement and no one has got the remotest idea what they are going to say.

E Mr. Symonds: There has been a lot of correspondence, Your Honour, between my solicitors and the D.O.P.P.'s office on the subject of Mr. Harley and I do have copies of the correspondence here. And basically, we were asking to interview Mr. Harley. Basically, we wrote to Mr. Harley's Commander of 'A' Division to interview him, on the 18th June 1971, and the reply was that the "Commissioner has no objection providing the interview takes place in the presence of a senior Police Officer". Well, we objected to that and so did Mr. Harley, actually. And then we wrote again to the Commissioner of the Police on the 2nd July 1971; "Regarding your letter of the 18th June," we stated; "we must object to your proposal that the interview should take place in the presence of a Police Officer. We cannot be expected to discuss Defence matters in the presence of a representative of the Prosecution." And then the reply to that, Your Honour, a reply from the Commissioner of the Police on the 16th July. "I have been directed by the Commissioner to refer to your letter of the 2nd July and say that he is only prepared to grant an interview with Detective Sergeant Harley on the condition that one of his senior Officers is present. This is a condition imposed in all cases and a High Court Judge very recently expressed the view in a case in chambers that this was a perfectly proper condition for the Commissioner to impose." And then with Counsel's advice, that's **F** **G** **H** Mr. Sherard Q.C., we sent this following letter back on the 27th July. To the Commissioner, "We were surprised and astonished to receive your letter of the 16th July, and are

A very interested to know which High Court Judge expressed the view to which you refer and the date and, most particularly, the circumstances and exact terms in which it was expressed." And there was a reply from the Commissioner, which is quite long, so I will just give bits of it. But it says that "The solicitor has asked me to say that the Judge who expressed the view set out in the letter of the 16th July was Mr. Justice Bean. As the proceedings were in chambers there is no transcript of his remarks available so the exact terms cannot be supplied. The circumstances were in the context of an application for an injunction to prevent the Commissioner handing over the transcript" etcetera. And there are other letters following on from that, Your Honour, to give you the idea that this has been a subject of much correspondence, the question of Sergeant Harley, and the positions taken by my Defence solicitors with the support of Counsel was that it would be quite wrong to expect us to conduct a Defence interview with Sergeant Harley in the presence of a representative of the Prosecution, and we have stuck to that and the Commissioner of Police has stuck to his view that says he will not allow Harley to be interviewed

JUDGE STROYAN: Well, what in fact is he going to say?

D Mr Symonds: Well, Harley, in actual fact, plays a leading part in this whole business, Your Honour, because Sergeant Harley was the man who, with me, first started investigating the Peckham mob some months beforehand, and we had in fact

JUDGE STROYAN: Well I am not really concerned with investigations of the Peckham mob. What I am concerned about

E Mr Symonds: Well, that's Mr. Perry and his associates. And we compiled a dossier on him. We had networks of informants set up. Mr Skipham, the man who owned the sweet shop below Perry's house.

F JUDGE STROYAN: There has been no dispute about Mr Skipham. The only thing which Harley could give evidence about which would be admissible as far as I can see is that which happened on the 24th September when Perry was arrested. There is nothing else he can give evidence about. Does he help you on that?

Mr. Symonds: Well, yes, I think he does, Your Honour.

JUDGE STROYAN: What does he say about that?

G Mr. Symonds: Because we were together when the whole, everything happened to do with the Nuneaton Officers and getting the search warrant and searching the house, etcetera.

JUDGE STROYAN: Well, I will see what the Prosecution have to say about that. I am not going to make my mind up about him today. You have got enough witnesses to keep you going all tomorrow, no doubt.

H Mr Symonds: Right. Thank you, Your Honour.

JUDGE STROYAN: You can have, as I say, Miss Millard, who is not on this list.

Mr. Symonds: Yes. I am told she is not on the list because apparently we had no doubts about her, Your Honour. It had been agreed beforehand or something.

JUDGE STROYAN: Well, she's given evidence before in London already.

Mr. Symonds: Yes.

JUDGE STROYAN: She didn't seem to me to help very much because she couldn't remember what happened.

Mr. Symonds: Yes, but if you read her statement, Your Honour.

JUDGE STROYAN: Well, her statement won't be evidence.

Mr. Symonds: If she is allowed to refresh her memory from her statement I think her evidence could be quite important.

JUDGE STROYAN: Well, as I said, you can have Miss Millard. But that I think will be enough to be going on with. But I will read these other statements during the adjournment and let you know which you can have.

Mr. Symonds: Thank you.

JUDGE STROYAN: If there are any more I would like to have a list of them at the earliest during tomorrow so I can decide about those. At all events, I assume we will start your case tomorrow.

Mr. Symonds: Well, if not tomorrow, the next day.

JUDGE STROYAN: If not tomorrow, the next day. And there is certainly enough to keep going for tomorrow and possibly partly into the next day.

Mr. Symonds: Yes.

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I certify that I took shorthand notes in the above proceedings of Regina -v- John Alexander Symonds, and that pages numbered 1 to 86 are a correct and complete transcript of my said shorthand notes, to the best of my skill and ability.

J. A. Anderson